Supreme Court, U. S.
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APPENDIX

In the Supreme Court of the United States

OCTOBER TERM, 1975

No. 75-1197

F. DAVID MATHEWS, SECRETARY OF HEALTH, EDUCATION, AND WELFARE, APPELLANT

v.

HELEN DE CASTRO

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS

JURISDICTIONAL STATEMENT FILED FEBRUARY 20, 1976
PROBABLE JURISDICTION NOTED MAY 3, 1976

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United States District Court, Northern District of Illinois
Eastern Division

Civil Action No. 74 C 1830

HELEN DE CASTRO

v.

CASPAR WEINBERGER,* THE SECRETARY OF HEALTH, EDUCATION AND WELFARE

RELEVANT DOCKET ENTRIES

Date	Proceedings
1974	
July 1	Filed complaint and 4 copies.
Oct. 30	Filed defendant's Answer to the Complaint.
Nov. 8	Filed plaintiff's motion to convene three judge District Court and supporting memorandum.
Nov. 11	Enter order dated November 8, 1974: Plaintiff's motion to convene three judge district court and supporting memorandum taken under advisement, Government's answering memorandum to be filed by November 29, 1974 and plaintiff's reply memorandum to be filed within 1 week thereafter. Order cause set for December 16, 1974 at 10:00 a.m. for ruling on said motion. Will, J. Notices mailed 11-11-74.
Nov. 29	Filed defendant's memorandum in opposition to plaintiff's application for a three judge court.
Dec. 10	Filed Plaintiff's reply to defendant's memorandum in opposition to plaintiff's application for a Three-Judge-Court.
Dec. 17	Enter order dated December 16, 1974: Plaintiff's motion to convene a three judge Court granted. Order cross motions for summary judgment and memorandums in support to be filed by December 30, 1974, simultaneous answering memorandums to be filed by January 15, 1975. Will, J. Mailed notices 12/17/74.
Dec. 19	Filed designation of three judge court appointing Philip Tone, Abraham Marovitz and Hubert L. Will, Judges.

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* F. David Mathews has succeeded Mr. Weinberger as Secretary of Health, Education and Welfare.

Date	Proceedings
1975	
Jan. 6	Filed plaintiff's motion for summary judgment.
Jan. 6	Filed plaintiff's memorandum of authorities in support of motion for summary judgment.
Jan. 8.	Filed defendant's motion for summary judgment.
Jan. 8.	Filed defendant's brief in support of his motion for summary judgment.
Sept. 30	Filed Opinion.
Oct. 2	Enter order dated September 30, 1975: Pursuant to Court's opinion this day filed; Court holds that 42 U.S.C. Section 402(b)(1)(B) invidiously discriminates against divorced wives as defined in Section 416(d) of the Code in violation of the Fifth Amendment. Defendant is, accordingly, enjoined from applying the statute in a manner which would deny plaintiff the benefits to which she is entitled under the Social Security Act and to pay plaintiff benefits from the date of first entitlement and so long as she remains eligible pursuant to the standards set forth in this opinion. Three Judge Court Tone, Marovitz & Will. Mailed notices 10/2/75.
Oct. 24	Filed defendant's notice of appeal. (No Fee.)
Oct. 24	Mailed copy of notice of appeal and copy of letter to Sherwin & Sherwin, 7 S. Dearborn St. #1610, Chicago, Ill.; mailed copy of docket entries and letter to U.S. Attorney.
1976	
May 10	Filed certified copy of the order of the Supreme Court of Washington, D.C. noting probable jurisdiction in this case.
May 21	Filed defendant's notice.
May 21	Filed defendant's motion for leave to transmit the original record to the Supreme Court in Washington.
June 2	Enter order dated May 21, 1975: Enter order, defendant's motion to transmit original record to Clerk of the United States Supreme Court is granted. Draft. Will, J. Mailed notices 6-2-76.

[Docketed, Judge Will, filed July 1, 3:58 PM; Clerk, District Court]

United States District Court, Northern District of Illinois
Eastern Division

No. 74 C 1830

HELEN DE CASTRO, PLAINTIFF

v.

CASPAR WEINBERGER, THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE, DEFENDANT

Complaint for Judicial Review

HELEN de CASTRO, plaintiff, by SHERWIN & SHERWIN, her attorneys, complaining of the defendant, CASPAR WEINBERGER, the Secretary of Health, Education and Welfare, alleges that:

1. Plaintiff is a citizen of the United States, and a resident of the City of Chicago, Cook County, Illinois and of the Northern District of Illinois.

2. Plaintiff brings this action to review a final decision of the Secretary of Health, Education, and Welfare denying her application for wife's insurance benefits, pursuant to the provisions of Title 42, Section 405(g) of the United States Code.

3. Notice of said decision was mailed to plaintiff on or about May 3, 1974. A copy of said Notice and a copy of the Secretary's decision dated May 3, 1974, are attached hereto as exhibits A & B, respectively, and made a part of this Complaint.

4. On September 23, 1971, plaintiff filed an application for wife's insurance benefits on the account of ALBERT de

CASTRO, #335-09-5167, as a divorced wife of the wage earner. Her application was denied on or about April 7, 1972. Pursuant to plaintiff's request, her application for wife's insurance benefits was reconsidered, but the decision disallowing her claim was affirmed on August 25, 1972. Thereafter, plaintiff timely filed a request for a hearing before an Administrative Law Judge of the Bureau of Hearings and Appeals, which hearing was held on March 16, 1973. The Administrative Law Judge in a decision dated August 8, 1973, determined that plaintiff was entitled to wife's insurance benefits effective January 1, 1973, under and pursuant to Section 202(b)(1) of the Social Security Act [42 U.S.C. § 402(b)(1)]. On September 13, 1973, the Appeals Council, on its own motion, decided to review the August 8, 1973, decision of the Administrative Law Judge. Following the submission of a memorandum of authorities on plaintiff's behalf, the Appeals Council heard oral argument, and on May 3, 1974, issued its decision that the plaintiff was not entitled to wife's insurance benefits, reversing the decision of the Administrative Law Judge. (See exhibit B).

5. Plaintiff was born on February 18, 1915, and at the time of the filing of this Complaint, is 59 years of age. She was married to the wage earner, ALBERT de CASTRO, on September 9, 1946, and divorced from him on February 8, 1968, after more that 20 years of marriage immediately preceding the divorce. Two children were born of the marriage, namely ROSEMARY de CASTRO and CATHERINE de CASTRO. CATHERINE de CASTRO is mentally retarded, and has been mentally disabled since birth. She requires continuous custodial care and supervision, which has been provided by plaintiff with whom CATHERINE de CASTRO has always resided. On the basis of her existing disability, an application on CATHERINE de CASTRO'S behalf for child's insurance benefits was allowed December 6, 1971, effective in March, 1971.

6. Plaintiff is the divorced wife, as defined in Section 216(d)(1) of the Social Security Act, of the wage earner, ALBERT de CASTRO, who became entitled to old-age insurance benefits on or about September 2, 1971, with entitlement effective in March, 1971.

7. Plaintiff is not married, and is not entitled to old-age or disability insurance benefits.

8. At the time of the filing of plaintiff's application for wife's insurance benefits, and at all other pertinent times, plaintiff has had continuously in her care CATHERINE de CASTRO, child of the wage earner, ALBERT de CASTRO.

9. In denying plaintiff's application for wife's insurance benefits, the Appeals Council relied upon Section 202(b)(1)(B) of the Social Security Act [42 U.S.C. § 402(b)(1)(B)]. Under Section 202(b)(1)(B) a wife, not yet 62, who has a disabled child in her care is entitled to insurance benefits, whereas a divorced wife, not yet 62, is not entitled to benefits even though she has a disabled child in her care. The Appeals Council, in interpreting that Section, concluded that a divorced wife under age 62 is excluded from entitlement even though she has in her care a child entitled to child's insurance benefits. Section 202(b)(1)(B), on its face, and as applied by the Appeals Council, operates to arbitrarily discriminate against divorced wives, including plaintiff, in violation of the Due Process Clause of the Fifth Amendment to the United States Constitution.

WHEREFORE, plaintiff prays as follows:

1. That this Court reverse the decision of the Secretary of Health, Education and Welfare denying plaintiff's application for wife's insurance benefits;

2. That this Court order and direct the defendant to pay plaintiff wife's insurance benefits to which she is entitled retroactive to January 1, 1973;

3. That this Court declare Section 202(b)(1)(B) of the Social Security Act unconstitutional insofar as it operates to arbitrarily discriminate against wives that are divorced, including plaintiff;

4. That this Court enjoin and restrain the defendant from enforcing Section 202(b)(1)(B) as interpreted by the Appeals Council, and

5. That this Court grant such other and further relief as iustice and equity require.

HELEN DE CASTRO, PLANTIFF,
BY MARVIN A. BRUSMAN, AND
THEODORE R. SHERWIN,
Her Attorneys.

[Docketed, filed, October 30, 1976 10:54 AM; Clerk, U.S. District Court]

United States District Court, Northern District of Illinois
Eastern Division

No. 74 C 1830

HELEN DE CASTRO, PLAINTIFF

v.

CASPAR WEINBERGER, SECRETARY OF HEALTH, EDUCATION, AND WELFARE, DEFENDANT

Answer

Now comes defendant, Caspar W. Weinberger, Secretary of Health, Education, and Welfare, by his attorney, JAMES R. THOMPSON, United States Attorney for the Northern District of Illinois, and in answer to plaintiff's complaint, states as follows:

1) Defendant admits the allegations contained in paragraph 1 of the complaint.

2) Defendant admits the allegations contained in paragraph 2 of the complaint.

3) Defendant admits the allegations contained in paragraph 3 of the complaint.

4) Defendant admits the allegations contained in paragraph 4 of the complaint.

5) Defendant admits the allegations contained in paragraph 5 of the complaint.

6) Defendant admits the allegations contained in paragraph 6 of the complaint.

7) Defendant admits the allegations contained in paragraph 7 of the complaint.

8) Defendant admits the allegations contained in paragraph 8 of the complaint.

9) Defendant generally admits the allegations contained in paragraph 9 of plaintiff's complaint, but defendant specifically denies that Section 202(b)(1)(B) of the Social Security Act, on its face, and as applied by the Appeals counsel, operates to arbitrarily discriminate against divorced wives, including plaintiff, in violation of the due process clause of the Fifth Amendment to the United States Constitution.

10) Answering further, defendant states that the findings of fact of the Secretary of Health, Education, and Welfare are supported by substantial evidence and are conclusive.

11) Answering further, defendant states that in accordance with the provisions of Section 205(g) of the Social Security Act, 42 U.S.C. 405(g), defendant files herein, as part of the answer, a certified copy of the transcript of record, including the evidence upon which the findings and decision complained of are based.

WHEREFORE, defendant prays for judgment dismissing the complaint with costs and disbursements and for judgment in accordance with Section 205(g) of the Social Security Act (42 U.S.C. 405(g) affirming the decision complained of.

Respectfully submitted,

JAMES R. THOMPSON,
United States Attorney.

Sd. M.

UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Name of Presiding Judge, Honorable Hubert L. Will

Cause No. 74 C 1830 Date Dec. 16, 1974

Title of Cause Helen de Castro v. Caspar Weinberger, etc.

Brief Statement of Motion 10 For ruling on plaintiff's motion to convene 3 Judge Court.

The rules of this court require counsel to furnish the names of all parties entitled to notice of the entry of an order and the names and addresses of their attorneys. Please do this immediately below (separate lists may be appended).

Names and Addresses of moving counsel

Representing

Names and Addresses of other counsel entitled to notice and names of parties they represent.

Plaintiff's motion to convene a 3 Judge Court granted.

Reserve space below for notations by minute clerk

Order cross motions for summary judgment and memos in support to be filed by Dec 30, 1974, simultaneous answering memos to be filed by Jan 15, 1975

Will, D

DEC 17 1974

16

Hand this memorandum to the Clerk.
Counsel will not rise to address the Court until motion has been called.

[Docketed, Filed, Jan. 6, 1975; H. Stuart Cunningham at 3:15 o'clock 1975; Clerk.]

United States District Court, Northern District of Illinois
Eastern Division

No. 74 C 1830

HELEN DE CASTRO, PLAINTIFF

v.

CASPAR WEINBERGER, THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE, DEFENDANT

Motion for Summary Judgment

HELEN de CASTRO, plaintiff, by SHERWIN & SHERWIN, her attorneyes, moves this Honorable Court for the entry of a summary judgment in her favor and against the defendant, CASPAR WEINBERGER, Secretary of Health, Education, and Welfare. In support thereof, she allegs that there is no genuine issue as to any material fact, and that she is entitled to a judgment against the defendant as a matter of law upon the undisputed facts established by the pleadings.

WHEREFORE, plaintiff prays for a summary judgment:

1. Reversing the defendant's denial of plaintiff's application for wife's insurance benefits;

2. Directing the defendant to pay plaintiff wife's insurance benefits to which she is entitled retroactive to January 1, 1973;

3. Declaring Section 402(b)(1)(B) of Title 42 of the United States Code (Section 202(b)(1)(B) of the Social Security Act) unconstitutional insofar as it operates to arbitrarily discriminate against wives that are divorced, including plaintiff;

4. Enjoining and restraining the defendant from enforcing Section 202(b)(1)(B) as interpreted by the Appeals Council, and

5. Granting such other and further relief as justice and equity require.

HELEN DE CASTRO, PLAINTIFF,
By: MARVIN A. BRUSMAN, AND
THEODORE R. SHERWIN,
Her Attorneys.

[Docketed, Filed, Jan. 8, 1975—H. Stuart Cunningham at ——o'clock——Clerk.]

United States District Court, Northern District of Illinois
Eastern Division

No. 74 C 1830

HELEN DE CASTRO, PLAINTIFF
v.
CASPAR WEINBERGER, THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE, DEFENDANT

Defendant's Motion for Summary Judgment

Now comes defendant, Caspar Weinberger, the Secretary of Health, Education, and Welfare, by his attorney, JAMES R. THOMPSON, United States Attorney for the Northern District of Illinois, and moves this honorable Court, pursuant to Rule 56 of the Federal Rules of Civil Procedure, for the entry of summary judgment in its favor, there being no disputed material facts in this cause.

Respectfully submitted,

JAMES R. THOMPSON,
United States Attorney.

[Docketed, Filed, May 10, 1976—H. Stuart Cunningham at ——o'clock——Clerk.]

Supreme Court of the United States

No. 75–1197

F. DAVID MATHEWS, SECRETARY OF HEALTH, EDUCATION, AND WELFARE, APPELLANT
v.
HELEN DE CASTRO

APPEAL from the United States District Court for the Northern District of Illinois.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

May 3, 1976.

A true copy MICHAEL RODAK, JR.

Test: Clerk of the Supreme Court of the United States, by Laurue P. Gill, Deputy.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
SOCIAL SECURITY ADMINISTRATION,
BUREAU OF HEARINGS AND APPEALS.

Decision of Appeals Council

In the case of Helen de Castro (Claimant); Albert de Castro (Wage Earner).

Claim for Divorced Wife's Insurance Benefits, 335–09–5167 (Social Security Number).

This case is before the Appeals Council on its own motion to review the decision issued by the administrative law judge on August 8, 1973. The claimant was notified of the Council's action and of her rights with respect thereto. On March 21,

1974, the claimant's attorney, Mr. Marvine A. Brusman, appeared before the Council to present oral argument on her behalf.

In his decision, the administrative law judge concluded that the claimant, the divorced wife of the wage earner, is entitled to wife's insurance benefits effective January 1973. This conclusion was based on his finding that she had a child in her care and met "all requirements for entitlement to wife's insurance benefits prescribed in section 202(b)(1) of the Social Security Act as effective on January 1, 1973."

The issue before the Appeals Council is whether section 202(b)(1)(B) of the Social Security Act provides for payment of wife's insurance benefits to a wage earner's divorced wife who is under age 62 and has in her care a child entitled to child's insurance benefits.

Section 202(b)(1) of the Social Security Act in effect prior to the 1972 Amendments provided, as pertinent here, that:

> "The wife (as defined in section 216(b)) and every divorced wife (as defined in section 216(d)) of an individual entitled to old-age or disability insurance benefits, if such wife or such divorced wife—
>
> * * * * *
>
> (B) has attained age 62 or (in the case of a wife) has in her care (individually or jointly with such individual) at the time of filing such application a child entitled to a child's insurance benefit on the basis of the wages and self-employment income of such individual,
>
> * * * * *
>
> (D) in the case of a divorced wife, was receiving at least one-half of her support, as determined in accordance with regulations prescribed by the Secretary, from such individual, or was receiving substantial contributions from such individual (pursuant to a written agreement) or there was in effect a court order for substantial contributions to the support from

> such individual * * * at the time he became entitled to old-age insurance benefits * * *
>
> * * * * *
>
> shall * * * be entitled to a wife's insurance benefit * * *"

Section 114(a) of the Social Security Amendments of 1972 eliminated the support requirement of section 202(b)(1)(D) as a condition of entitlement for divorced wives. The Amendment applies with respect to benefits payable for months after December 1972.

Section 216(d)(1) of the Act defines "divorced wife" as a "woman divorced from an individual, but only if she had been married to such individual for a period of 20 years immediately before the date the divorce became effective."

The evidence establishes that the claimant and the wage earner were married over 20 years at the time of their divorce on February 8, 1968. The wage earner was awarded old-age insurance benefits effective with the month of March 1971, and the claimant was awarded child's insurance benefits in behalf of a child of her and the wage earner.

On September 23, 1971, the claimant filed application for wife's insurance benefits. She stated that she was born on February 18, 1915, that she had not remarried after her divorce from the wage earner, and that since their divorce she had not received contributions from him toward her support nor was there in effect a court order for her support.

The Appeals Council concurs with the administrative law judge that the support requirement of section 202(b)(1)(D) of the Act in effect prior to the 1972 Amendments was not met. Therefore, if entitlement is otherwise found, benefits would be payable to the claimant only as of January 1973 pursuant to section 114(a) of the Social Security Amendments of 1972.

Whether the claimant is entitled to benefits beginning January 1973 must be decided by application of that portion of section 202(b)(1)(B) of the Act which reads "has attained age 62 or (in the case of a wife) has in her care * * * a child entitled to a child's insurance benefit * * *"

In his decision, the administrative law judge stated, in effect, that the Division of International Operations of the Social Security Administration, in denying the claimant's application" * * * apparently took the position that the 'child in care' alternative for entitlement, when either a wife or divorced wife had not attained age 62, is available only to a wife. [This] position is literally tenable because of the words in parenthesis—'in the case of a wife' * * * Thus * * * the letter of the law * * *" was followed. The administrative law judge continued "* * * The only way in which * * * adherence to the letter of the law could be condoned would be a clear manifestation by Congress that it intended such a result."

Section 202(b)(1)(B) clearly and unequivocably excludes from entitlement a divorced wife under age 62 even though she "has in her care" a child entitled to child's insurance benefits. The parenthetical phrase—"in the case of a wife—" leaves no doubt that this statute does not include entitlement of a divorced wife under age 62 with a child in her care.

That Congress did not intend a contrary result is evidenced by the interpretation placed upon section 308(a) of H.R. 6675 (the bill which amended section 202(b)(i) of the Act) by both reporting committees (Report 213, 89th Congress, 1st Session, House of Representatives p. 211, and Report 404, Part I, 89th Congress, Senate, p. 232) which contain identical language as follows:

> "Section 308(a) of the bill [H.R. 6673] amends 202(b) (relative to the payment of wife's insurance benefits) of the Social Security Act to provide for the payment of wife's insurance benefits to a divorced wife who is not married * * * The amended section 202(b) also provides that a wife's benefit will not terminate if she has attained age 62 and is divorced after having been married for 20 years (benefits for a wife under age 62 with a child in her care would terminate if she was divorced, regardless of how long she had been married, *since benefits are not provided*

> *for a young divorced wife with a child in her care until after the former husband's death*)." [Emphasis supplied.]

Thus, the intent of Congress is clearly defined in both reports and there can be no doubt that section 202(b)(1)(B) does not include nor can it be interpreted to include a divorced wife under age 62, and the Appeals Council so finds.

The claimant's attorney argues that denying benefits to the claimant and those like her while granting benefits to other wives seriously prejudices her and is contrary to the equal protection guarantee implicit in the 5th Amendment due process clause of the Constitution. As a quasi-judicial federal administrative body, the Appeals Council has neither the power nor the authority to hold that a statute which it administers is unconstitutional. Such authority is vested in the courts alone.

The decision of the administrative law judge is reversed. It is the decision of the Appeals Council that the claimant is not entitled to wife's insurance benefits for which application was filed September 23, 1971.

APPEALS COUNCIL
JOHN T. ALLEN,
Member.
NORMAN S. KERNS,
Member.
JOSEPH E. DONEGHY,
Member.

Date: May 3, 1974.

DEPARTMENT OF HEALTH, EDUCATION,
AND WELFARE,
SOCIAL SECURITY ADMINISTRATION,
BUREAU OF HEARINGS AND APPEALS.

Hearing Decision

In the case of Helen de Castro (Claimant); Albert de Castro (Wage Earner).

Claim for Divorced Wife's Insurance Benefits, 335–09–5167 (Social Security Number).

The claimant, Helen de Castro, having disagreed with the determination of the Bureau of Retirement and Survivors Insurance of the Social Security Administration that she is not entitled to wife's insurance benefits as a divorced wife, timely filed a request for hearing before an Administrative Law Judge. Pursuant to appropriate notice the requested hearing was held in Evanston, Illinois, on March 16, 1973. The claimant appeared, was advised of her right to representation, and elected to proceed in person. She was the only witness to testify. She was accompanied by Catherine de Castro, age 24, her daughter by the wage earner Albert de Castro, but the daughter did not testify because she is mentally retarded and unable to speak.

JURISDICTION AND PROCEDURAL HISTORY

The issues arose from the following proceedings before the Bureau. On May 6, 1971, the wage earner, Albert de Castro, filed an application for retirement insurance benefits under his account, No. 335–09–5167. He therein alleged that he was over the age of 62 years, that he had married Helen Kupinsky in 1937, that they had one child who might be eligible for benefits, and that he (the wage earner) resided in the Republic of the Philippines. In a supplement to his claim, filed concurrently therewith, the wage earner added that he had been born in the Philippines, had taken up residence in Cook County, Illinois, in February, 1928, had thereafter become a naturalized citizen of the United States, and had remained in this country until September, 1967, when he returned to his country of origin with no definite plan to re-enter the United States.

After the normal course of verification and investigation the wage earner's application for retirement insurance benefits was allowed on September 2, 1971, with entitlement effective in March, 1971, the month in which he attained age 62.

In the processing of the aforesaid application it was ascertained that the wage earner had a disabled child, Catherine, over the age of 18 years residing with her mother in Chicago. The mother then, on July 26, 1971, filed an application on the child's behalf for child's insurance benefits. This application and a concurrent statement regarding disability alleged that the child was born on April 10, 1949, and suffered from mental retardation, that she had resided with her mother during each of the last 13 months, and that the mother and the wage earner were divorced in 1968. The application for child's insurance benefits was allowed on December 6, 1971, with entitlement effective in March, 1971, the month in which the wage earner, Catherine's father, attained age 62. The allowance was based upon a disability determination dated September 18, 1971, to the effect that the child had an IQ of 30 and had been mentally disabled since birth. No dispute exists relating to the foregoing applications for retirement insurance benefits and child's insurance benefits.

The next step created the present controversy. An application for wife's insurance benefits was filed by Helen de Castro, herein referred to as the claimant, on September 23, 1971. She therein alleged that she was 56 years old, that she had two marriages to the wage earner, the second on September 9, 1946, that this marriage ended by divorce in Chicago in January of 1969, and that their disabled child, Catherine, lived with her for the last 13 months. This application was lost and another was filed on January 24, 1972, after which the first one was retrieved and is considered herein as the current and controverted application. In considering the merits of this application the Bureau had before it a record of a divorce between the claimant and the wage earner on January 19, 1965. The Bureau denied the application on April 7, 1972, because the required 20 years had not elapsed between the only valid marriage between the parties on September 9, 1946, and said date of divorce. An earlier marriage between the parties on October 19, 1937, was held

invalid and not considered with relation to the 20 year requirement.

The claimant thereupon made timely request on April 26, 1972, that the matter be reconsidered, asserting that the almost 9 years between the earlier invalid marriage and the valid one should be counted toward the required 20 years because during these 9 years the parties thought they were married. She explained that "I was first married in 1937. At that time I did not know my divorce from my first husband had not gone through. As soon as I found out Mr. de Castro and I remarried." Pursuant to the claimant's request the matter was reconsidered but the initial denial was affirmed on August 25, 1972. The ground for affirmance, however, was entirely different. Prior to the reconsideration determination a correct copy of the divorce decree was obtained and the date thereof was February 8, 1968. It followed, then, that the claimant had been married to the wage earner for the required 20 years and that the initial denial was erroneous in this regard. The reconsideration determination, held, however, that the claimant had not yet attained age 62; that the applicable statute, Section 202(b) of the Social Security Act, requires that a divorced wife must be at least 62 to receive wife's insurance benefits; that the 20 year duration of marriage requirement and any other requirement need not be considered; and that the application must be denied on age alone.

In her request for hearing the claimant said: "I was married over 20 years to Albert de Castro and have an entitled disabled child in my care." As will be seen below, this was a very succinct and accurate statement of the claimant's position in this case.

ISSUES AND APPLICABLE LAW

The general issue is whether the claimant is entitled to wife's insurance benefits as the divorced wife of a wage earner who became entitled to old-age insurance benefits. The statute controlling this issue is Section 202(b)(1) of the

Social Security Act. It was amended in 1972, effective with January, 1973, and now reads as follows in pertinent part:

"Wife's Insurance Benefits

"(b)(1) The wife (as defined in section 216(b)) and every divorced wife (as defined in section 216(d)) of an individual entitled to old-age or disability insurance benefits, if such wife or such divorced wife—

(A) has filed application for wife's insurance benefits,

(B) has attained age 62 or (in the case of a wife) has in her care (individually or jointly with such individual) at the time of filing such application a child entitled to a child's insurance benefit on the basis of the wages and self-employment income of such individual,

(C) in the case of a divorced wife, is not married, and

(D) is not entitled to old-age or disability insurance benefits or is entitled to old-age or disability insurance benefits based on a primary insurance amount which is less than one-half of the primary insurance amount of such individual,

shall (subject to subsection (s)) be entitled to a wife's insurance benefit * * *."

Prior to the 1972 amendment this statute contained a subparagraph D, which was deleted thereby, and the ensuing subparagraphs were re-lettered. The 1972 amendment made no other change. The deleted paragraph read in pertinent part as follows:

"(D) in the case of a divorced wife, was receiving at least one-half of her support, as determined in accordance with regulations prescribed by the Secretary, from such individual, or was receiving substantial contributions from such individual (pursuant to a written agreement) or there was in effect a court order for substantial contributions to her support

from such individual * * * at the time he became entitled to old-age insurance benefits * * *."

The facts in this case demonstrate that the claimant divorced wife could not comply with the quoted sub-paragraph D. Consequently, if otherwise entitled, payment of benefits could be effective no earlier than January 1, 1973 when the deletion of sub-paragraph D became effective.

There is no dispute here that the claimant is a divorced wife as defined in Section 216(d)(1) of the Act, which reads and at all pertinent times read as follows:

"(d)(1) The term 'divorced wife' means a woman divorced from an individual, but only if she had been married to such individual for a period of 20 years immediately before the date the divorce became effective."

Further, there is no dispute here that the claimant's former husband is a wage earner entitled to old-age insurance benefits, as required by Section 202(b)(1) of the Act, and that the claimant duly filed her application (as required by subparagraph A), is not married (as required by subparagraph C), and is not entitled to old-age or disability insurance benefits (as required by sub-paragraph E of the former statute and D of the present statute).

The only specific issue in this case is whether the claimant comes within the purview of sub-paragraph B, which reads and at all pertinent times read as follows:

"(B) has attained age 62 or (in the case of a wife) has in her care (individually or jointly with such individual at the time of filing such application a child entitled to a child's insurance benefit on the basis of the wages and self-employment income of such individual,"

SUMMARY OF THE EVIDENCE

The claimant was born on February 18, 1915, and in 1933 married William Ceralde, by whom she had one child,

Angeline. An action was instituted to dissolve this marriage in 1937 and, believing that a final divorce decree had been entered therein, the claimant married Albert de Castro, the wage earner in this case. They had two children, Rosemary, who was born on October 30, 1943, and Catherine, who was born on April 10, 1949. Mr. de Castro legally adopted Angeline, the claimant's child by Ceralde, in 1938. Both Angeline and Rosemary were normal children and have been emancipated for some years. Their status has no bearing on this case.

Catherine, however, showed signs of mental retardation as she emerged from infancy. Professional evaluations were obtained which demonstrated the impairment. At age 14 her level of understanding was found to be that of a two or three year old child and it was determined that she would continuously require custodial care and intensive supervision. She attended the hearing in March, 1973, and it was apparent that the mental disablement continued, for she could not communicate at a meaningful level. Exhibit 19, a 1963 report, describes her condition succinctly and it has not changed since. On the basis of the undisputed medical evidence she was awarded child's insurance benefits and continues to receive same. She has always lived with her mother, the claimant herein, who had the assistance of Angela Krupinski, her mother, in taking care of the child while the claimant worked. However, when Mrs. Krupinski died the claimant had to give up her job and devote her time to the care of Catherine, which she ever since has done.

Returning now to the claimant's marital status, it appears that in 1946 she was informed that her 1937 marriage to de Castro, the wage earner, was invalid because her divorce from Ceralde had not become final at the time, though it did later. She and de Castro immediately effected a valid marriage, this on September 9, 1946. More than 20 years later, on December 5, 1966, Mr. de Castro deserted the family, and the claimant, in 1967, instituted an action for

divorce on this ground. The defendant husband was personally served with process in this action but did not appear, answer, or otherwise respond to same. He departed from the jurisdiction and returned to the Philippines, his place of birth, and has remained there since.

The action for divorce proceeded to decree after the defendant's aforesaid default. The decree, which was entered on February 8, 1968, awarded to the plaintiff, the claimant here, the care, custody, control and education of Catherine and directed that the defendant, the wage earner here, pay the sum of $35.00 a week as and for child support. The decree also entered a judgment against the defendant for $1,250.00 in arrears of child support payments, from which it is apparent that he had been directed to pay child support *pendente lite*. The question of alimony to the plaintiff was reserved. The defendant was also directed to pay the plaintiff's counsel fee, $150.00. The plaintiff-claimant has received no payment whatsoever from the defendant-wage earner under the aforesaid decretal paragraphs. On May 9, 1971, Mr. de Castro, at age 62, married Teresita C. Fernandez, age 34, a childless single person, in the Philippine Islands.

ANALYSIS OF THE ENTITLEMENT STATUTE

In delineating the issues herein (see Issues and Applicable Law, pages 3, 4, and 5) it was concluded that the claimant now meets all the requirements of Section 202(b)(1) except as set forth in sub-paragraph B. It was also concluded that through December 31, 1972, she did not meet the support requirement of sub-paragraph D, but as this has been deleted effective January 1, 1973, the decision will deal with her entitlement from and after that date, for her 1971 application speaks through date of this decision. This decision will proceed with said conclusions as premises, and the statutory analysis will deal only with Section 202(b)(1)(B) of the

Act, which at all pertinent times provided in pertinent part as follows:

> *"Wife's Insurance Benefits*
>
> (b)(1) The wife * * * and every divorced wife * * * of an individual entitled to old age * * * insurance benefits, if such wife or divorced wife * * *
>
> B. has attained age 62 or (in the case of a wife) *has in her care* (individually or jointly with such individual) at the time of filing such application a child entitled to a child's insurance benefit on the wages * * * of such individual, * * *
>
> shall * * * be entitled to a wife's insurance benefit * * *" [emphasis added]

Before proceeding further it should be noted that no controversy exists relating to the words "has in her care" given emphasis in the quoted provision. The facts here come squarely within Sections 404.342 through 404.345 of the Secretary's Regulations defining these words (C.F.R. 20, Chapter III).

In its reconsideration determination the Bureau referred to Section 202(b) of the Act and noted that "In the case of a divorced wife, she must be at least age 62 and not married". It then denied the claim because the claimant would not be 62 until 1977. No reference was made to the fact that the claimant had a child in her care. The Bureau apparently took the position that the "child in care" alternative for entitlement, when either a wife or divorced wife had not attained age 62, is available only to a wife. The Bureau's position is literally tenable because of the words in parenthesis—"in the case of a wife"—after the word "or" in the first line of sub-paragraph B. Thus the Bureau followed the letter of the law.

However, there is more to the law than the letter. As Paul said, "not of the letter, but of the spirit: for the letter

killeth, but the spirit giveth life" (II Corinthians 3:6). This precept is the keystone of this decision. It was expressed in another and more relevant way in a 1968 Social Security Ruling on a divorced wife's claim (though the issue was different from the one here) and the expression was this:

> "It is well settled that a statute need not be literally read when it is clear that the Congress intended something it omitted to express, especially where such literal interpretation would lead to a clearly unjust result." (S.S.R. 69–1, pages 3, 4).

Let us first consider the matter of "unjust result". Under the statute in question a wife, not yet 62, who has a disabled child in her care is entitled to benefits. Under the statute as interpreted by the Bureau, this divorced wife, not yet 62, who has a disabled child in her care is not entitled to benefits. Thus, a penalty or forfeiture is imposed upon the divorced wife without any malfeasance or misfeasance on her part. All she did, after her husband deserted her and their child, was to exercise her right under the laws of the State of Illinois, where they resided, and file for divorce. There were circumstances which impelled her exercise of this right. Her title to real estate had to be cleared, and this was done (see the modified decree, Exhibit 13). The care, custody and control of the disabled child had to be provided for, and this was done (see the decree, Exhibit 12, page 4). The obligation of the wage earner to support Catherine had to be defined, adjudicated, and enforced, and the first two of these were done (see the decree, Exhibit 12, pages 3, 4). The third, the enforcing, was made nugatory by the wage earner's flight from the jurisdiction. If the claimant had not instituted the action to achieve these legitimate, necessary objectives, and also to obtain release from her limbo as a deserted wife, she would be eligible for benefits. The denial of benefits consequent upon her exercise of a legal right shocks conscience.

In the language of the Social Security Ruling quoted above, the Bureau's literal interpretation led "to a clearly

unjust result". The only way in which the Bureau's adherence to the letter of the law could be condoned would be a clear manifestation by Congress that it intended such a result. To ascertain the intent of Congress, this Judge had resort to authoritative sources, three in number. The first was the Congressional Record, Volume 111, Parts 6, 11, 13, and 14, setting forth the Proceedings and Debates of the 89th Congress, First Session, in April and July of 1965, relating to H.R. 6675, a bill entitled "Social Security Amendments of 1965". This bill became Public Law 89–97 on July 30, 1965 and contained Section 308(b)(1)(B), the statute in controversy in the case at bar. The second source was the five volume set entitled "Social Security Amendments of 1965", a publication compiled by the Social Security Administration. The volumes contain committee reports, debates, statutory texts, department recommendations, analyses of various provisions, justifications, comparisons with existing law, actuarial cost estimates, and, in short, all material relevant to the legislation. The third source was the transcript of the "Hearings before the Committee on Finance United States Senate Eighty-Ninth Congress First Session on H.R. 6675". The results of this research herewith are set forth, with separate captions for each source.

THE CONGRESSIONAL RECORD

H.R. 6675 was debated extensively in both houses of Congress because it contained the Medicare bill and perforce proposed revolutionary changes in American life. The OASDI amendments were the subject of much less debate and Section 308(b)(1)(B), which became the statute in controversy here, was not debated at all. Congressman Mills submitted for the record a "Summary of Major Provisions of H.R. 6675" which contained the following statement:

> "The bill would authorize payments of wife's and widow's benefits to the divorced wife age 62 or over of a retired * * * worker if she had been married

> to the worker for at least 20 years before the date of the divorce and if her divorced husband was making (or was obligated by a court to make) a substantial contribution to her support when he became entitled to benefits * * * The bill would also provide that a wife's benefits would not terminate when the woman and her husband are divorced if the marriage has been in effect for 20 years." (page 7218, l.c.) [1]

While the material quoted above sets forth an age 62 requirement, more emphasis was placed on the 20 years of marriage requirement, designed to place a wife divorced after so long a marriage on equal footing with a current wife. The Summary made no mention of a wife or divorced wife with a disabled child in her care and thus does not speak to the issue relevant to the case at bar.

In subsequent remarks in the House relating the Section 308(b)(1)(B) of H.R. 6675 no mention of the age 62 requirement was made and emphasis was placed on the 20 year marriage requirement. For instance, Congressman Secrest stated: "It also provide that a wife's benefits will not terminate when a woman and her husband are divorced if the marriage has been in effect 20 years." (page 7245 l.c.)

Congresswoman Mink stated: "The bill also has several other liberalizing provisions, among them one allowing payment of a wife's or widow's benefits for certain divorced woman who had been married at least 20 years before the divorce." (page 7384 r.c.)

Congressman Horton described the statute as providing: "Coverage for divorced wives or widows if married to an eligible worker for at least 20 years." (page 7419 l.c.)

Congressman Roncalio submitted a "Summary Analysis of H.R. 6675" (pages 7426–7427) in which no mention whatsoever was made of wife's insurance benefits. Another "Summary Analysis of H.R. 6675" was submitted by Congressman

[1] l.c., m.c., and r.c., refer to the left, middle and right columns on each page of the Congressional Record.

Roybal (page 7441), and this made no mention of wife's insurance benefits.

From the foregoing excerpts, and there are none to the contrary, these conclusions are inescapable—that the House gave scant attention to Section 308(b)(1)(B), insofar as the age 62 requirement was concerned; that its main concern was to liberalize the statute and place a wife divorced after 20 years of marriage on a plane with a current wife; and that it did not consider in any way the situation of a divorced wife under age 62 with a child in her care.

Proceding to the course of H.R. 6675 in the Senate, the record conclusively demonstrates the same preoccupation with the 20 year marriage requirement and the ignoring of the age 62 requirement. On July 6, 1965, Senator Long submitted a document entitled "Principal Provisions of the Bill", set forth in Volume 111, Part II, at pages 15602–15608. This document contained this statement:

> "(g) *Wife's and widow's benefits for divorced women:* The committee's bill would authorize payments of wife's or widow's benefits to the divorced wife of a retired, deceased, or disabled worker it she had been married to the worker for at least 20 years before the date of the divorce and if her divorced husband was making (or was obligated by a court to make) a substantial contribution to her support when he became entitled to benefits, became disabled, or died. H.R. 6675 would also provide that a wife's benefits would not terminate when the woman and her husband are divorced if the marriage has been in effect 20 years." (page 15,606, m.c.)

No mention was made of a divorced wife with a child in her care. This quoted statement was repeated by Congressman Mills on July 27, 1965, in his detailed explanation of the legislation as reflected by the conference agreement of both houses of Congress (Volume 111, Part 14, page 18287). It is notable that on this occasion he omitted mention of the age 62 requirement which he had briefly mentioned when

the bill was introduced in the House almost four months before.

Earlier, when Senator Fong presented a "Description of Provisions" on July 8, 1965 (Volume 111, pages 15,879–15,883), he referred to the child's insurance benefits amendment in the following language:

> "* * * benefits are provided for a child disabled before age 22—present law says before age 18—should his parent die, become disabled, or retire under social security. *The mother of the child would also be eligible for benefits so long as she continued to have the child in her care.*" [Emphasis added]

This cogent evidence of intent was repeated in the final Senate debate on July 28, 1965, reported in Volume 111, Part 14. While the statement related to another statute, it is a kindred statute, and the statement significantly reveals the legislative concern for a woman with a child in her care and lack of cencern for her age, both of which directly pertain to the matter at issue here.

Social Security Amendments of 1965, Five Volumes, Compiled By the Social Security Administration

Volume 1 of these contains the reports of the House Committee on Ways and Means and the Senate Committee on Finance. The House Committee Report, in its Summary of Principal Provisions of the Bill, displays the same negative and positive aspects noted above relating to the subject statute as in the analysis of the Congressional Record. These are the lack of emphasis on the age 62 requirement, the emphasis on the 20 year marriage requirement, and the failure to consider the situation of a divorced wife under age 62 with a disabled child in her care. The Senate Committee Report, in its description of proposed benefit changes, presents similar aspects.

One could continue *ad infinitum* asserting that this one or that one of the various documents in these five volumes fails to demonstrate cognizance of the full import and scope of

Section 308(b)(1)(B), but this would serve no purpose. The salient factors apparent from the five volumes are as set forth in the preceding paragraph.

Volume 4 contains a section entitled "Actuarial Cost Estimates", 28 pages long, and no mention is made or listing given relating to the addition of divorced wives, even over age 62, to the scope of Section 308(b)(1)(B). This circumstance indicates that the amendment with which we are concerned in this case is of minor monetary consequence to the Fund.

One significant thing should be noted, however, as explanatory of the inclusion of the parenthetical phrase "in the case of a wife" in the first line of sub-paragraph B. This is the phrase, as already indicated, which led the Bureau to deny benefits to this divorced wife, under age 62, who has a child in her care, because the alternative requirement of such care, in its view, was available only to a current wife. The thing of significance, as revealed in the foregoing source materials, is that in the proposed legislation the caption directly above Section 308(b)(1)(B) was "Wife's and Widow's Benefits for Divorced Women". In the light of this caption a differentiation may have been attempted between the terms "wife" and "widow" in the statute directly under the caption. It is possible that the parenthetical phrase was inserted to achieve this differentiation and then inadvertently left in the statute when the caption was reduced to "Wife's Insurance Benefits". With the original caption the phrase, "in the case of a wife" would refer to both a current and a divorced wife, to distinguish these from a widow. This reasoning is speculative but has some cogency when the legislative purpose is considered, that is, the placing of legal wives and divorced wives (with 20 years of marriage) on an equal basis.

Senate Finance Committee Hearings

The transcript of these hearings has 1256 pages. These were scanned for references to Section 308(b). Only five

were found, and they were very brief. These will be described herewith.

The statute was set forth on page 64. On page 101 Secretary Celebrezze described it as providing benefits "for certain aged divorce women who were married for many years prior to being divorced". On page 832 the Executive Director of the National Retired Teachers Association discussed the situation of a divorced aged woman who receives benefits on her exhusband's account and then contemplates re-marriage but hesitates because her benefits would cease. He argued that they should continue in order that socially undesirable relationships be avoided. At page 1117 a representative of the Methodist Church suggested that a divorced wife or widow be eligible if the marriage last only 10, not 20 years. On page 1224 Senator Yarborough of Texas wrote the Committee that the support provision should be changed to cover a situation where state law did not allow alimony, as in Texas.

The foregoing are the only references. This authoritative source of Congressional intent thus convincingly demonstrates that the particular statute at issue herein, insofar as it covers a divorced wife with a child in her care, was never discussed at the hearings. The entire statute, Section 308(b), was "lost in the shuffle" of the great Medicare debate, and examination of the transcript establishes this beyond doubt. In short the Finance Committee never investigated the merits and never exercised an informed choice relating to the statute in question.

* * * * *

Another argument negating the Bureau's literal interpretation can be derived from comparing the pre-1965 statute with that as amended in 1965. The earlier statute read as follows:

> "(b)(1) The wife (as defined in section 216(b)) of an individual entitled to old age or disability benefits, if such wife
>
> (A) has filed application for wife's insurance benefits,

> (B) has attained age 62 or has in her care (individually or jointly with *her husband*) at the time of filing such application a child entitled to a child's insurance benefit on the basis of the wages and self-employment income of *her husband* * * * shall * * * be entitled to a wife's insurance benefit * * *" [emphasis added]

Then the 1965 amendment made the statute conjunctive—"The wife * * * and every divorced wife * * * if such wife or such divorced wife * * *". Then the 1965 amendment accomplished a significant change with relation to sub-paragraph B, which prescribes the alternative if the claimant has not attained age 62. The alternative, if she "has in her care (individually or jointly with * * *)" formerly continued with the words "her husband" within the parentheses. The amendment changed these to "such individual". The reason for this change is obvious, and it was to include the ex-husband. This perforce makes the "child in care" alternative avaliable also to the person with an ex-husband, that is, a divorced wife. This change from "her husband" to "such individual" appears again in the last words of sub-paragraph B, from which it must be concluded that the change was designed and not inadvertent.

The crux of the matter is that in the particular text of subparagraph B there may be a conflict between the phrase "in the case of a wife" and the words "such individual." If this be deemed a conflict an ambiguity must be predicated. Such an ambiguity can be eliminated if due consideration is given to the entire scheme of the statute, its remedial nature, and the intent of Congress, all as discussed elsewhere in this decision. These factors, in the opinion of this Judge, require that the possible language conflict be resolved by holding that the "child in care" alternative was intended to be available to a divorced wife under age 62.

* * * * *

Examination of another sub-section of Section 202 of the Act leads to another cogent argument against the statutory

interpretation made by the Bureau. Section 202(g)(1)(E) provides that the surviving divorced mother of a wage earner's disabled child in her care is entitled to a mother's insurance benefit, *regardless of her age*, if certain other requirements, not here germane, are met. This situation has prevailed since the 1958 amendments. Should the divorced wife in the case at bar, whose ex-husband happens to be alive, be in a position different from that of a divorced wife whose ex-husband died? Each has a disabled child in her care, with the financial obligations incident to such care. Should one be allowed and one be denied benefits, when all things are equal and similar except the accident of the ex-husband being alive or dead? To ask these questions is to answer them. Logic and justice, social and juridical, preclude such discrimination against the claimant herein. The Bureau's denial accomplishes such discrimination and violates the remedial design of the pertinent statutes.

Before concluding, one further point should be made. During the last year our highest tribunal has decided that illegitimate children should share child's insurance benefits equally with legitimate children of the wage earner, because to deny them this equality would be unconstitutionally discriminatory in violation of the due process clause of the Fifth Amendment. This clause prohibits the federal government from creating statutes which establish arbitrary discrimination having no rational basis in legitimate government purposes, particularly remedial social legislation. Prescinding from the circumlocution necessary to relate the reasoning of those cases to the case at bar, a single analogy will be drawn. The gravamen for placing illegitimate children on an equal basis with their legitimate siblings is the irrelevance of the father's marital state to the equal protection provided all persons by law. By the same token, the marital state of the divorced claimant in the case at bar, who needs equal protection because she has a disabled child in her care, should not make her any different from a wife who has a child in her care or from a surviving divorced

mother who has a child in her care. The common, salient factor which gives rise to the need for benefits is the care of the disabled child. The need exists regardless of the mother's age or marital state, or the father's survival, and should be satisfied for all persons in the class.

SUMMARY

It was not the intent of Congress in 1965 to deny wife's insurance benefits to a divorced wife, under age 62, with a wage earner's child in her care. Such case was not clearly presented to it and the matter was never debated. The main intent of Congress in enacting the 1965 OASDI amendments to Section 202 of the Act was to liberalize same by placing a divorced wife whose marriage had lasted 20 years in the same status as a wife who did not obtain a divorce. The entire Congressional Record of the subject legislation demonstrates that the 62 year age requirement alternative, having a child in care, was not limited to a wife but was available also to a divorced wife. Any other interpretation would ascribe to Congress an intent to effect unconstitutional discriminations. Any other interpretation would violate the statutory scheme insofar as same relates to wives, divorced wives, widows, and disabled children. Even the text of Section 202(b) (1) (B), other than the phrase in controversy, requires that the alternative (child in care) be available to a divorced wife under age 62 because it refers to the child of "such individual", meaning either a husband or ex-husband.

FINDINGS OF FACT

The documentary evidence and the oral testimony have been considered carefully and same are found generally to be credible and free from controversy, wherefore the following specific findings are made:

1. On May 6, 1971, Albert de Castro filed an application for retirement insurance benefits on his wage earner's account, 335–09–5167, and this application was allowed on September 2, 1971, effective with the month of March, 1971, since which he has been receiving such benefits.

2. On July 26, 1971, Helen de Castro, former wife divorced of the wage earner, filed on behalf of Catherine de Castro, their 22 year old mentally disabled daughter, an application for child's insurance benefits on the said wage earner's account, and this application was allowed on December 6, 1971, effective with the month of March, 1971, since which she has been receiving such benefits.

3. On September 23, 1971, Helen de Castro, the claimant herein, filed an application for wife's insurance benefits on the said wage earner's account on the ground that she was the divorced wife of the wage earner with their disabled 22 year old child in her care.

4. The claimant and the wage earner were married on September 9, 1946, and were divorced on February 8, 1968, after more than 20 years of marriage immediately preceding their divorce.

5. The claimant is 58 years old and since the wage earner deserted her on December 5, 1966, has had continuously in her care their mentally disabled child, Catherine.

6. Since entry of the divorce decree on February 8, 1968, the claimant received no support from the wage earner and the decree, which reserved the question of alimony, contained no order for the support of the claimant.

7. The claimant is not married.

8. The claimant is not entitled to old-age or disability insurance benefits.

Based upon the foregoing Findings of Fact, there are made the following:

Conclusions of Law b

1. The claimant is the divorced wife (as such term is defined in Section 216(d) of the Social Security Act) of the wage earner.

2. The claimant, at all pertinent times, has had Catherine de Castro, child of the wage earner, in her care as such term is defined in Sections 404.342 through 404.345 of Social Security Regulations No. 4.

3. The claimant meets all the requirements for entitlement to wife's insurance benefits prescribed in Section 202(b)(1) of the Social Security Act as effective on January 1, 1973.

Decision

It is hereby adjudicated that Helen de Castro, the claimant, who was married to Albert de Castro, the wage earner, for more than 20 years immediately preceding their divorce in 1968, who has not since remarried, and who at all pertinent times has had their mentally disabled child, Catherine, in her care, is entitled to wife's insurance benefits on the wage earner's account effective with January 1, 1973, under and pursuant to Section 202(b)(1) of the Social Security Act.

JOHN F. LOEHER,
Administrative Law Judge.

Date: August 8, 1973.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
Social Security Administration

Form Approved.
Budget Bureau No. 72-R0123.

APPLICATION FOR RETIREMENT INSURANCE BENEFITS*

*Provided by Section 202(a) of the Social Security Act, as amended

If you are awarded monthly benefits based on this application, you will be automatically entitled at age 65 to hospital insurance protection. In addition, this application form may be used for enrollment in the Supplementary Medical Insurance Benefits Plan.

(Do not write in this space)

U.S.A
RECEIVED
MAY 06 1971
CONTACT REP
SSA FIELD
[illegible]

NOTICE—Whoever makes or causes to be made any false statement or representation of a material fact in an application or for use in determining a right to payment under the Social Security Act is subject to not more than a $1,000 fine or 1 year of imprisonment, or both.

I hereby apply for entitlement to all insurance benefits which may be payable to me under Title II and Part A of Title XVIII of the Social Security Act, as amended.

1 Enter Your Full Name: De Castro, Albert

(Check one) ☑ Male ☐ Female

Enter your Social Security Number: 335 09 5167

2 Enter your date of birth (*Show month, day, and year*): 3-28-09

Enter the name of the State or foreign country where you were born: Alamidas, Cal.

3 (a) Check (√) whether you are:

☐ MARRIED (*Whether living together or separated*) ☐ WIDOWED ☑ DIVORCED ☐ SINGLE

(*If you checked "MARRIED" or "WIDOWED," complete (b) and (c).*) (*If you checked "DIVORCED" or "SINGLE" go on to item 4.*)

(b) Enter your wife's maiden name or your husband's name	Date of birth (*If unknown, give age*)	Date of marriage	Your wife's or your husband's Social Security Number (*If none or unknown, so indicate*)
Vera Espinosa	—	1937	[illegible]

(c) If your husband or wife is deceased, enter the date of death here → Date of death

4 Your children (*including natural children, adopted children, and stepchildren*) may be eligible for benefits based on your earnings record, if they are, or have been during any of the past 12 months unmarried and:

- under age 18, or
- age 18 to 22 and attending school, or
- age 18 or over and under a disability (*which must have begun before age 18*)

How many children do you have who may be eligible for benefits? → Number of children (*If none, write "None"*): None

5 (a) Have you ever before filed an application with the Social Security Administration for MONTHLY benefits or for hospital or medical insurance?

☑ YES (*If "Yes," answer (b) and (c)*) ☐ NO (*If "No," go on to item 6*)

EXAMINE (4PP)

(b) Enter name of person on whose earnings record you filed other application(s)	(c) Enter Social Security Number of person named in (b) (*If unknown, so indicate*)
Albert de Castro	335 09 5167

Form SSA-1 (1-68) (OVER)

6 (a) Are you now or have you been for any period in the past 14 months unable to work because of a disabling condition?

☐ YES (*If "Yes," answer (b)*) ☑ NO (*If "No," go on to item 7*)

(b) Enter date on which your disabling condition began → Month, day, year

7 (a) Were you in the active military or naval service after September 7, 1939?

☐ YES (*If "Yes," answer (b) and (c)*) ☑ NO (*If "No," omit (b), (c), and (d) and go on to item 8*)

(b) Enter name of branch (Army, Navy, etc.), country served (if other than U.S.), and dates of service

(c) Have you received, or do you expect to receive, a benefit from any other Federal agency?

☐ YES (*If "Yes," answer (d)*) ☐ NO (*If "No," skip (d) and go on to item 8*)

(d) List all such agencies:

8 Have you or your spouse worked in the railroad industry any time on or after January 1, 1937?

☐ YES ☑ NO

9 • Enter below the names and addresses of all the persons, companies, or Government agencies for whom you worked during the last 12 months.
• If you worked in agricultural employment, give this information for this year and last year.
• If neither of the above applies, write "None" below and go on to item 11.

Name and address of employer (*If you had more than one employer, please list them in order beginning with your last (most recent) employer*)	Work began Month	Work began Year	Work ended (*If still working, show "Not Ended"*) Month	Work ended Year
None				

(Use "Remarks" space for information about any other employers.)

10 May we ask your employers for wage information needed to process your claim?

☑ YES ☐ NO

11 (a) Were you self-employed this year, last year, or the year before?

☐ YES (*If "Yes," answer (b)*) ☑ NO (*If "No," skip to item 12*)

(b) Check the year or years in which you were self-employed	In what kind of trade or business were you self-employed?	Were your net earnings from your trade or business $400 or more? (Check "Yes" or "No")
☐ This year		
☐ Last year		☐ YES ☐ NO
☐ Year before last		☐ YES ☐ NO

BEST COPY AVAILABLE

Please read the following information before going on to items 12, 13, and 14.

Some or all of your benefits are not payable if, while under age 72, you work for more than the monthly limit in employment (as defined below) or perform substantial services in self-employment in any month, and have earnings in excess of the exempt amount (as defined below) for the taxable year.* This applies to all employment and self-employment, whether or not covered by the Social Security Act.

The *monthly limit* is $125 per month for months in a taxable year ending prior to 1968 and $140 per month for any taxable year ending after 1967. If the taxable year is a calendar year, the $140 amount is effective January 1968.

The *exempt amount* of total earnings which a beneficiary may have without deduction from benefits is $1,500 per year for a taxable year which ends before 1968. It is $1,680 per year for taxable years ending after 1967. If the taxable year is a calendar year, $1,680 is the exempt amount beginning 1968.

As an employee, you count the gross wages (not the take-home pay) you earn during the year, regardless of when the wages are paid to you. As a self-employed person, you count the net earnings from your business (after deducting allowable business expenses).

12 (a) How much were your total earnings last year? . . . . . $ None

If the total in (a) is over the exempt amount, answer (b). If less, omit (b) and (c) and go on to item 13.

(b) Did you earn more than the monthly limit in employment or perform substantial services in self-employment in each month of last year?

☐ YES (*If "Yes," omit (c)*) ☐ NO (*If "No," answer (c)*)

(c) Circle each month of *last year* in which you did not earn more than the monthly limit in employment *and* did not perform substantial services in self-employment.

Jan Feb Mar Apr May June July Aug Sept Oct Nov Dec

13 (a) How much do you expect your total earnings to be this year? (Count all of your earnings beginning with the first of this year and all expected earnings through the end of this year.) . . . . . $ None

If the total in (a) is over the exempt amount, answer (b). If less, omit (b), (c), and item 14.

(b) Have you earned more than the monthly limit in employment or performed substantial services in self-employment in each of the months of this year including the present month?

☐ YES (*If "Yes," omit (c)*) ☐ NO (*If "No," answer (c)*)

(c) Circle each month of *this year* including the present month in which you did not earn more than the monthly limit in employment *and* did not perform substantial services in self-employment.

Jan Feb Mar Apr May June July Aug Sept Oct Nov Dec

14 (a) Do you expect to earn more than the monthly limit in employment or perform substantial services in self-employment in each of the next 3 months?

☐ YES (*If "Yes," omit (b)*) ☐ NO (*If "No," answer (b)*)

(b) List each of the next 3 months in which you do not expect to earn more than the monthly limit in employment *and* do not expect to perform substantial services in self-employment. . . . . .

Answer item 15 if you are now in the last 3 months of your taxable year (Oct., Nov., and Dec. if your taxable year is a calendar year).

15 How much do you expect your total earnings to be next year? . . . . . $ None

An annual report of earnings must be filed with the Social Security Administration within 3 months and 15 days after the end of any year in which you earned more than the exempt amount, if you were under age 72 at least 1 full month of that year and received some benefit payment for such a month. FAILURE TO REPORT MAY RESULT IN THE LOSS OF ONE OR MORE MONTHLY BENEFITS.

16 Do you agree to file the annual report of earnings when required? ☒ YES ☐ NO

17 This application for retirement benefits may be retroactive for as many as 12 months from the date it is filed but not for any month before you reached age 62. *If you are between age 62 and age 65, your* application may be for benefits payable at a reduced rate. They will continue at a reduced rate even after you reach age 65.

If there are any months before you reach age 65 for which you do not wish to claim benefits, enter the months and give your reason .....

The yearly period referred to in this and following items is the usual 12-month period you use in figuring your income tax. If you use a fiscal year, that is, a taxable year that does not end December 31 (with income tax return due April 15), enter the month your fiscal year ends.

(OVER)

Answer item 18 only if you are a married woman.

18 Is your husband receiving at least one-half of his support from you? ☐ YES ☐ NO

Answer item 19 only if you are married and your husband or wife is applying for benefits.

19 (a) Check (✓) whether your marriage was performed by:

Clergyman or authorized public official ☐ or Other ☐ ..... (Explain)

(b) Were you married before your present marriage? ☐ YES ☐ NO

(*If "Yes," give the following information about each of your previous marriages.*)

Previous marriage	To whom married	When (*Mo., day, and year*)	Where (*Enter name of city and State*)
	How marriage ended	When (*Mo., day, and year*)	Where (*Enter name of city and State*)
Previous marriage	To whom married	When (*Mo., day, and year*)	Where (*Enter name of city and State*)
	How marriage ended	When (*Mo., day, and year*)	Where (*Enter name of city and State*)

(*Use "Remarks" space for information about any other marriage*)

Remarks: Name Filomena de Castro

Mother's maiden name [illegible]

Knowing that anyone making a false statement or misrepresentation of a material fact in an application or for use in determining a right to payment under the Social Security Act commits a crime punishable under Federal law, I certify that the above statements are true.

SIGNATURE OF WITNESSES	SIGNATURE OF APPLICANT
If this application (and, if relevant, the enrollment section below) has been signed by mark (X), two witnesses who know the applicant must sign below, giving their full addresses.	Signature (*First name, middle initial, last name*) (*Write in ink.*)
1. Signature	Sign Here ▶ Robert de Castro
Address (*Number and street, City, State and ZIP Code*)	Mailing Address (*Number and street, Apt. No., P.O. box, or Rural Route*) [illegible]
2. Signature	City and State [illegible] ZIP Code C 363
Address (*Number and street, City, State and ZIP Code*)	Date (*Mo., day and year*) NOV 6 8 AM Telephone number
	Enter name of county (*if any*) in which you now live [illegible]

Answer the question below only if you are now ABE 65 or older, or you will reach age 65 in this state by the end of the next 3 months.

ENROLLMENT IN THE SUPPLEMENTARY MEDICAL INSURANCE BENEFITS PLAN

Your social security district office will be glad to explain this plan and to give you a leaflet containing information on the physicians' and surgeons' services and other medical services covered, premium amounts, enrollment periods, etc. A request for enrollment cannot be effective unless it is made within one of the enrollment periods specified in the law. If you do not enroll within your initial enrollment period, you may have to pay a higher premium and your coverage will be delayed.

Do you wish to enroll in the supplementary medical insurance benefits plan? (Premium payments will be due. Where possible, these payments will be deducted from your monthly benefit check.)

☐ YES ☐ NO ☐ Undecided ☐ Currently enrolled

Sign below regarding medical insurance benefits plan.

Sign Here ▶ [redacted]

BEST COPY AVAILABLE

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
SOCIAL SECURITY ADMINISTRATION

Form Approved
Budget Bureau No.--R0506

SUPPLEMENT TO CLAIM OF PERSON OUTSIDE THE UNITED STATES

(To be completed by or on behalf of person who is, was, or will be outside the U.S.)

For social security purposes a person is outside the United States if he is physically outside the 50 States, the District of Columbia, Puerto Rico, Virgin Islands, Guam, and American Samoa.

1.	NAME OF WORKER ON WHOSE EARNINGS THIS CLAIM IS BASED ~~De~~ (P.S.) Tec. Albert	WORKER'S SOCIAL SECURITY NUMBER 335-69-5167
2.	PRINT YOUR NAME *(If you are filing application on behalf of an incompetent adult, enter his or her name in this space and answer all subsequent questions on this questionnaire FOR him.)* ~~Self~~	YOUR U.S. SOCIAL SECURITY NUMBER —

INFORMATION ABOUT THE WORKER NAMED IN ITEM 1 *(If you are the worker, give the information about yourself.)*

3. (a) Did the worker live in the U.S. for at least 10 years (i.e., make his temporary or permanent home in the U.S.)? ☑ Yes ☐ No
If "Yes," give the following information about all places where the worker lived in the U.S.

ADDRESS IN U.S. AT WHICH WORKER LIVED	DATE WORKER'S RESIDENCE BEGAN		DATE WORKER'S RESIDENCE ENDED	
	MONTH	YEAR	MONTH	YEAR
Guam City, Gee.	Feb	1938	Sep.	1967

(If additional space is needed, use REMARKS SECTION on last page.)

(b) If the worker named in Item 1 is now deceased, did he die while in the military service of the U.S. or as a result of disease or injury incurred or aggravated in the military service of the U.S.? ☐ Yes ☐ No
If "Yes," explain.

(c) Name the country of which the worker is a citizen. *(If deceased, name the country of which he was a citizen at time of death.)* →	NAME OF COUNTRY OR COUNTRIES U. S.

INFORMATION ABOUT THE CLAIMANT NAMED IN ITEM 2
(If you are filing on behalf of an incompetent adult, answer all subsequent questions for him. If you are the claimant, give the information about yourself.)

CITIZENSHIP

4. (a) At the time of your birth, of what country (or countries) were you a citizen? — NAME OF COUNTRY (or countries): Philippines

(b) Have you ever become a citizen of any country other than the country or countries shown in (a) above? ☑ Yes ☐ No
If "Yes," give the name of the country and explain how and when citizenship was acquired.
U. S. naturalized. EXHIBIT 2 (4 pp)

(c) Of what country (or countries) do you now claim citizenship? → NAME OF COUNTRY (or countries): U.S.

(d) Do you have a valid passport? ☑ Yes ☐ No
If "Yes," give the following information:

DATE ISSUED	PASSPORT NUMBER	NAME OF GOVERNMENT THAT ISSUED PASSPORT
	—	U. S.

IF YOU ARE A U.S. CITIZEN, answer (e) and (f) below. If You are not a U.S. citizen, go on to question 5.

(e) After becoming a U.S. citizen, have you ever been employed by a foreign government either in a civilian or military capacity? ☐ Yes ☑ No
If "Yes," explain when and where.

FORM SSA-21 (10-69) (Over)

4. (f) After becoming a U.S. citizen have you ever been convicted of any crime against the U.S.? ☐ Yes ☑ No
If "Yes," explain what crime(s), when, and where.

MILITARY SERVICE

5. Are you now serving on an active duty in the U.S. Armed forces? ☐ Yes ☑ No
If "Yes," show date you entered on active duty. → MONTH, DAY, YEAR:
If you are on active duty, omit question 6. Go on to question 7.

PHYSICAL PRESENCE IN THE U.S.

6. (a) Have you ever been physically present in the U.S. at any time? ☑ Yes ☐ No
If "Yes," answer (b) and (c) below. If "No," go on to question 7.

(b) Are you now physically present in the U.S.? ☐ Yes ☑ No
If "Yes," enter the date you plan to leave the U.S. → MONTH, DAY, YEAR:
If "No," enter date you left U.S. → MONTH, DAY, YEAR: Sep. 1967
Also enter date you plan to return. → MONTH, DAY, YEAR: Indef.

(c) Did you enter or leave the U.S. at any time during the past 24 months? ☐ Yes ☐ No
If "Yes," give the following information concerning each of your arrivals and departures.

DATE OF ARRIVAL (Month, day, year)	DATE OF DEPARTURE (Month, day, year)	ADDRESSES OF PLACES YOU LIVED OR VISITED IN THE U.S.

MAILING ADDRESS

All social security checks are sent to the beneficiary's place of residence unless there is a valid reason for sending checks in care of another person or to another address.

7. (a) Give the complete address of residence abroad. *(The place outside the U.S. where you now live or intend to live.)*
Guam Panglisinan.

(b) Show the address to which checks are to be sent.
do above

(c) If you cannot receive checks at the place where you live, please explain why.
do above

EMPLOYMENT – SELF-EMPLOYMENT

A person is employed if he performs services for someone else and receives cash payment or other compensation for these services. This includes any part-time work or summer work by a child, or work by a child as an apprentice.

A person is self-employed if he has a business either by himself or with one or more partners. Some examples of self-employment are raising fruit, crops or livestock for sale, taking in sewing or laundry, providing services as a tutor, lawyer, or physician, etc. The amount of earnings (or loss) has no effect on whether the person is considered self-employed.

8. (a) Have you been employed or have you engaged in self-employment outside the U.S. during any of the past 24 months including the present month? ☐ Yes ☑ No

(b) If you are still in the U.S. will you engage in employment or self-employment outside the U.S.? ☐ Yes ☑ No

Give the following information about your employment or self-employment outside the U.S.

NAME AND ADDRESS OF EMPLOYER (If self-employed, show "self" and address at which your trade or business was conducted)	TYPE OF BUSINESS	EMPLOYMENT OR SELF-EMPLOYMENT	
		DATE BEGAN OR WILL BEGIN	DATE ENDED (If not ended, leave blank)

CHANGES TO BE REPORTED PROMPTLY TO THE SOCIAL SECURITY ADMINISTRATION

Notify the Social Security Administration promptly if, while outside the U.S.:

(1) you become employed or self-employed while under age 72

(2) there is any change in your citizenship

(3) you go into a different country for more than 1 month.

9. (a) Do you agree to notify the Social Security Administration promptly when any of the above events occur? ☑ Yes ☐ No

FAILURE TO REPORT EMPLOYMENT OR SELF-EMPLOYMENT PROMPTLY AS AGREED MAY RESULT IN THE LOSS OF MONTHLY BENEFITS

(b) Do you also agree to return promptly any check for benefits received by you if you are not entitled to it? ☑ Yes ☐ No

BE SURE YOU SIGN THIS STATEMENT IN THE SIGNATURE BOX ON THE NEXT PAGE

An explanation of the special circumstances that affect payment of benefits to beneficiaries outside the U.S. is given in the booklet SSA-609, "Social Security Benefits Outside the United States," and on the following page.

(Over)

THE FOLLOWING CIRCUMSTANCES MAY AFFECT THE PAYMENT OF SOCIAL SECURITY BENEFITS TO APPLICANTS OUTSIDE THE U.S.

Your benefits are not payable for any month in which:

A. You (while under age 72) engage in noncovered remunerative activity outside the United States on 7 or more different calendar days during a month, OR

B. The worker (while under age 72) on whose account you are receiving benefits engages in noncovered remunerative activity outside the United States on 7 or more different calendar days during a month.

A person is engaged in noncovered remunerative activity on 7 or more different calendar days a month, regardless of the amount of earnings and the number of hours worked on any particular day, if:

(1) he is carrying on a trade or business outside the United States as sole owner or partner on 7 or more different calendar days a month, and his net earnings from self-employment are not subject to United States social security taxes, OR

(2) he is employed (this includes stand-by employment) to perform services as an employee on 7 or more different calendar days a month and his wages are not subject to United States social security taxes, OR

(3) any combination of (1) and (2).

II. If you are not a citizen or national of the United States, your benefits may not be payable for any month after you have been outside the United States for 6 consecutive calendar months. When your benefits are withheld for that reason, they cannot be resumed until you have been in the United States for a full calendar month.

(Aliens receiving benefits on the earnings record of a deported wage earner will not receive benefits if they are outside the United States any part of a month following his deportation.)

REMARKS: (You may use this space for any explanations. If you need more space, attach a separate sheet.)

USCA
REC. IV. D
MAY 06 1971
CONTACT REP
SSA FIELD
TRIP

I know that anyone who makes a false statement or representation of a material fact in application or for use in determining a right to payment under the Social Security Act commits a crime punishable under Federal law. I affirm that the above statements are true.

SIGNATURE OF WITNESSES	SIGNATURE OF PERSON COMPLETING THIS SUPPLEMENT
If this statement has been signed by mark (x), or fingerprint, two witnesses who know the signer must sign below, giving their full addresses.	SIGNATURE (First name, middle initial, last name) (Write in ink)
1. SIGNATURE	SIGN HERE ➧ Albert de Castro
ADDRESS OF WITNESS (Street number, city and country)	STREET ADDRESS Alaminos, Pangasinan
2. SIGNATURE	CITY, COUNTRY Philippines C-313
ADDRESS OF WITNESS (Street number, city and country)	DATE (Month, day, year) MAY 06 1971

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
SOCIAL SECURITY ADMINISTRATION

Form Approved.
Budget Bureau No. 72-R0577

STATEMENT REGARDING DISABILITY
(BY WIDOW, WIDOWER, SURVIVING DIVORCED WIFE, OR CHILD)

CHICAGO, ILLINOIS
JUL 29 1971
51499
SSA DISTRICT OFFICE
Filed

NOTICE— Whoever makes or causes to be made any false statement or representation of a material fact in an application or for use in determining a right to payment under the Social Security Act is subject to not more than a $1,000 fine or 1 year of imprisonment, or both.

1. Enter name of wage earner or self-employed person	Enter His Social Security Number
Albert de Castro	335 09 5167

This statement is filed in connection with a claim for benefits by a disabled person, i.e., widow, widower or child age 18 or over. (If you are the disabled person, answer the questions on this form with respect to yourself.)

2. Enter Full Name of Disabled Person	Enter Date of birth of the disabled person (Show month, day and year)
Catherine de Castro	4/10/49

3. (a) Has the disabled person ever had a social security number of his own?
☐ Yes (If "Yes," complete (b).) ☒ No (If "No," go on to item 4.)

(b) Enter the disabled person's social security number here ——→ Social Security Number (If unknown, so indicate) ___-___-____

Answer Question 4 only if the disabled person is applying for widow's or widower's benefits.

4. (a) Was the disabled widow or widower previously entitled to monthly benefits on the account of the person named in item 1?
☐ Yes (If "Yes," complete (b).) ☒ No (If "No," go on to item 5)

(b) Enter date benefits ended (or will end) ——→ Month and Year

5. What is the disabled person's disability? (Briefly describe the injury or illness that has prevented the disabled person from working.)
Mental retardation EXHIBIT 3 (2 of 2)

6. Check the first block which applies to the disabled person.

(a) ☐ Confined in a medical institution other than a general hospital	(d) ☐ Confined in a chair (Including wheel chair)
	(e) ☐ None of the above but unable to go outside
(b) ☐ Patient in a general hospital	(f) ☒ Able to go outside but only with help of another person or wheelchair
(c) ☐ Confined in bed at home	(g) ☐ Able to go outside without help

7. Enter the date on which the disabling condition began. ——→ Date (Month, day, year) birth.

FORM SSA-17 (1-69) (OVER)

8. a. Do you authorize any physician, hospital, agency, or other organization to disclose to the Social Security Administration or to the State agency that may review the disabled person's claim or continuing disability, any medical records or other information about the disabled person's disability? ☒ Yes ☐ No

The events listed below may affect the disabled person's entitlement to benefits. You will find a more complete explanation of what events apply to the disabled person, and how they affect benefits, in the "Rights and Responsibilities" booklet you will receive.

Report the following events:

(a) The disabled person's MEDICAL CONDITION IMPROVES so that he would be able to work, even though he has not yet started to work;

(b) The disabled person GOES TO WORK whether as an employee or a self-employed person;

If the disabled person is now hospitalized, —

(c) The disabled person is DISCHARGED FROM THE HOSPITAL.

9. Do you agree to notify the Social Security Administration promptly if any of the above events occur? ☒ Yes ☐ No

Remarks: (This space may be used for explaining any answers to the questions. If additional space is required, attach a separate sheet.)

IMPORTANT INFORMATION PLEASE READ CAREFULLY. — An applicant for widow's, widower's or child's insurance benefits as a disabled person is required to submit medical evidence showing the nature and extent of the disability during the time he (she) is alleged to be under a disability. If such evidence is not sufficient to arrive at a determination, the disabled person may be requested to have an independent medical examination at the expense of the Social Security Administration. Should the Social Security Administration obtain information useful to his physician for treatment, such information may be furnished to the physician upon his request and with consent of the source.

Knowing that anyone making a false statement or representation for use in determining a right to payment under the Social Security Act, commits a crime punishable under Federal law, I certify that the above statements are true.

If the statement has been signed by mark (X), two witnesses who know the person sign below and give their full addresses.

1. Name [illegible]
Address (Number and Street, City, State and ZIP Code) [illegible]

2. Name [illegible]
Address (Number and Street, City State and ZIP Code) [illegible]

Signature of Applicant (Write in ink)
Vera Nilda de Castro
Mailing Address (Number and Street, P.O. Box, or Route)
4545 N. Central Ave
City and State: Chicago Ill. Zip Code: 60625
Date (Month, Day and Year)
Telephone Number: 588-4462
Enter Name of County (if any) in Which You Now Live: Cook

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
Social Security Administration

Form Approved.
Budget Bureau No. 72-R0126

(Do not write in this space)

CHICAGO, ILL.

SSA

APPLICATION FOR CHILD'S INSURANCE BENEFITS

(For Children of Living Wage Earner or Self-Employed Person)

NOTICE—Whoever makes or causes to be made any false statement or representation of a material fact in an application or for use in determining a right to payment under the Social Security Act is subject to not more than a $1,000 fine or 1 year of imprisonment, or both.

Enter Name of Wage Earner or Self-Employed Person (*Herein referred to as the "Worker"*).	Enter His Social Security Number
Albert de Castro	335 09 5167

Enter Your Full Name: Helen de Castro

I hereby apply, on behalf of the child or children listed in Item 1 below, for all insurance benefits payable to them under Title II of the Social Security Act, as amended. (*If you are applying on your own behalf, answer the questions on this form with respect to yourself.*)

1. Does the worker have ANY living children (including natural children, adopted children and stepchildren) who are now or were during any of the past 12 months UNMARRIED and:

- UNDER AGE 18 ☐ Yes ☒ No
- AGE 18 TO 22 AND ATTENDING SCHOOL ☐ Yes ☒ No
- DISABLED (age 18 or over and disability began before age 18) ☒ Yes ☐ No

(*List ALL such children in order of birth beginning with the oldest.*)

FULL NAME OF CHILD / CHILD'S SOCIAL SECURITY NUMBER	CHECK (✓) SEX OF CHILD M	F	DATE OF BIRTH (Mo., day, yr.)	Check (✓) if Child 18 or Over is Student or Disabled: Student	Disabled	Check (✓) the Column That Shows Child's Relationship to Worker: Legitimate	Adopted	Stepchild	Other
Catherine de Castro None		X	4/10/49		X				

EXHIBIT 4 (4M)

If you are not applying for any child you name, enter the child's name under "Remarks" (page 4 of this form) and explain why you are not applying for such child. You may apply for a child even though you do not wish be the payee for the child's benefits.

2. If any children in item 1 are stepchilden of the worker enter the date the worker married the natural parent. — Date of Marriage:

FORM SSA-4 (1-70) (Over)

3. If any children in item 1 are adopted children of the worker, enter below the name of each such child and the date the worker adopted him(her).

Name of Adopted Child	Date of Adoption
N/A	

4. Have any children in item 1 ever been adopted by someone other than the worker? ☐ Yes ☒ No
(*If "Yes," enter the following information*):

Name of Child	Date of Adoption

5. Have all of the children in item 1 lived with the above worker during each of the last 13 months (counting the present month)? ☐ Yes ☒ No
(*If "No," enter the information requested below.*)

Name of Child Who Did Not Live With The Worker In Each of The Last 13 Months	List Each Month in Which This Child Did Not Live With The Worker	Person With Whom Child Lived: Name and Address	Person With Whom Child Lived: Relationship to Child
Catherine	nil	Helen de Castro 4545 N. Lincoln Ave. Chicago Ill. 60625	Mother

6. Are all the children in item 1 now living in the same household with you? ☒ Yes ☐ No
(*If "No," enter the following information about each child not living with you. If uncertain as to the whereabouts of any of these children, explain under "Remarks" on last page.*)

Name of Child Not Living With You	Person With Whom Child Now Lives: Name and Address	Person With Whom Child Now Lives: Relationship to Child

7. Has anyone ever before filed an application with the Social Security Administration for monthly benefits on behalf of any child in item 1? ☒ Yes ☐ No
(*If "Yes," enter below the name(s) and social security number(s) of the person(s) on whose earnings record any other claim was based.*)

Name of Wage Earner or Self-Employed Person	Social Security Number (*If unknown, so indicate*)
Albert de Castro	335 09 5167

8. Has any child in item 1 ever been married? ☐ Yes ☒ No
(*If "Yes," enter the information requested below.*)

Name of Child	Date of Marriage (*Month, Day, Year*)
How Marriage Ended (*If still married, write "Not Ended"*)	**Date Marriage Ended** (*Month, Day, Year*)

9. Do you understand that all payments made to you on behalf of a child must be spent for his present needs or (if not presently needed) saved for his future needs, and do you agree to use the benefits that way? ☒ Yes ☐ No

10. Do you agree to notify the Social Security Administration promptly when your address and/or the address of any child is changed or if you no longer have responsibility for the welfare and care of any child for whom you are filing? ☒ Yes ☐ No

If you are filing ONLY for a child age 18 or over who is disabled, you may omit items 11, 12, and 13 and go on to item 14. In all other cases, items 11, 12, and 13 must be answered.

Please read the following information before going on to item 11.

Some or all of a child's benefits may not be payable if the child earns more than $1,680 in a year.* If he earns more than $1,680, benefits may be withheld for any month in which he earns more than $140 in wages or performs substantial services in self-employment. Count the gross wages (not the take-home pay) earned during the year, regardless of when the wages are paid. Count the net earnings from self-employment (after deducting allowable business expenses). Include all earnings from employment and self-employment, whether or not the work is covered by social security.

11. (a) Do you expect the total earnings of any child to be more than $1,680 this year? (Count all earnings beginning with the first of this year and all anticipated earnings through the end of this year.) ☐ Yes ☒ No

If "Yes," answer (b). If "No," go on to item 12.

(b) Name of Child Who Expects To Earn Over $1,680 This Year	Expected Earnings	List Each Month (including the present month) That Child Did Not Earn More Than $140 in Employment and Did Not Perform Substantial Services in Self-Employment
	$	
	$	
	$	

12. (a) Did any child earn more than $1,680 last year? ☐ Yes ☒ No

If "Yes," answer (b). If "No," go on to item 13.

(b) Name of Child Who Earned Over $1,680 Last Year	Total Earnings of Child	List Each Month That Child Did Not Earn More Than $140 in Employment and Did Not Perform Substantial Services in Self-Employment
	$	
	$	
	$	

An annual report of earnings must be filed with the Social Security Administration within 3 months and 15 days after the end of any year in which any child earned more than $1,680* and received some benefit payment for a month in that year. FAILURE TO REPORT MAY RESULT IN THE LOSS OF ONE OR MORE MONTHLY BENEFITS.

13. Do you agree to file the annual report of earnings when required? ☒ Yes ☐ No

* The taxable period referred to in this and subsequent items is the calendar year used to figure income taxes. If any of the children for whom you are filing use a fiscal year that does not end December 31, enter here the name of the child and the month the fiscal year ends. →

Name of Child and Month Fiscal Year Ends

(Over)

YOU MUST NOTIFY THE SOCIAL SECURITY ADMINISTRATION PROMPTLY IF:

- Any child MARRIES, DIES, or is ADOPTED
- A student, age 18 to 22, STOPS ATTENDING SCHOOL, REDUCES HIS SCHOOL ATTENDANCE BELOW FULL-TIME, CHANGES SCHOOLS, or IS PAID BY HIS EMPLOYER TO ATTEND SCHOOL.
- A disabled child, age 18 or over, DISABLING CONDITION IMPROVES, GOES TO WORK, or if now hospitalized is DISCHARGED FROM THE HOSPITAL.

Benefits may end if any of the above events occur. However, there are certain exceptions which are explained in the informational booklet which you will receive. You must report each of these events even if you believe an exception applies. We will advise you whether additional evidence is needed and how the benefits may be affected.

14. Do you agree to notify the Social Security Administration promptly if any of the above events occur, and to promptly return any benefit check you receive for a child which is not due? ☒ YES ☐ No

Remarks: *(You may use this space for any explanations. If you need more space, attach a separate sheet.)*

My pension claim was denied because my former husband was found not disabled

My husband and I were divorced in 1968. I am 53 years old.

RECEIVED
DIO
APR 16 4 01 PM '71

I know that anyone who makes a false statement or representation of a material fact in an application or for use in determining a right to payment under the Social Security Act commits a crime punishable under Federal Law. I affirm that the above statements are true.

SIGNATURE OF WITNESSES	SIGNATURE OF APPLICANT
If this application has been signed by mark (X), two witnesses who know the applicant must sign below, giving their full addresses.	Signature (First name, middle initial, last name) (Write in ink)
1. Signature	Sign Here ☒ Mrs. Helen de Cristo
Address (Number and Street, City, State and ZIP Code)	Mailing Address (Number and street, Apt. No., P.O. box, or Rural Route) 4545 N. Central Pk. Apt
2. Signature	City and State Chicago Ill. ZIP Code 60625
Address (Number and Street, City, State and ZIP Code)	Date (Mo., day and year) Telephone number 583-4162
	Enter name of county (if any) in which you now live Cook

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
SOCIAL SECURITY ADMINISTRATION

IN REPLYING ADDRESS:
SOCIAL SECURITY ADMINISTRATION

July 26, 1971

U. S. Veterans Administration
88A Section
1131 Roxas Boulevard, Manila D-406

Mr. Albert De Castro
Alaminos, Pangasinan C-303

TELEPHONE 59-80-11

Dear Mr. De Castro:

Re: A/W 335-09-5167 A

In connection with your claim for social security benefits, we need the additional information listed below.

After you have filled in the item(s) and signed your name, please return this letter to us. If you are unable to furnish this information or need assistance, please call at our office or notify us by mail or telephone. If you call in person, please bring this letter with you.

Sincerely yours,

E. F. Gibbs

E. F. GIBBS
Contact Officer

Enclosure 1

Please indicate below the complete address of your divorced wife and disabled child in Chicago, Illinois.

EXHIBIT 5

We must receive this information by August 13, 1971 so that further action can be taken on the claim.

Helen Krupinski
4545 N. Central Park Ave.
Chicago, Illinois

Katharine K. de Castro
4545 N. Central Park Ave.
Chicago, Illinois

Knowing that anyone making a false statement or representation of a material fact for use in determining the right to or the amount of Federal social security benefits or in determining an individual's disability, commits a crime punishable under Federal law, I certify that the above statements are true.

July 29, 1971
(Date signed)

SIGN HERE ♦ Albert de Castro
(Please sign here)

FORM SSA-L752 (10-68)

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
SOCIAL SECURITY ADMINISTRATION

FORM APPROVED
BUDGET BUREAU 72R327.3

DISABILITY DETERMINATION AND TRANSMITTAL

1. FOLDER NO. — MD ☐ — W ☒ — RR ☐
2. DATE APP'D. 07/26/71
3. W/E (If Auxiliary Filing) — Albert de Castro — CLAIM W/E ☒ — RR W/E ☐
4. SOCIAL SECURITY ACCOUNT NUMBER 335-09-5167 A
5. NAME AND ADDRESS OF CLAIMANT — Helen de Castro for Catherine de Castro, 4545 N Central Park Av, Chicago Il 60625
6. DOB 04/10/49
7. SEX M ☐ F ☒
8. RACE W ☐ N ☐ O ☐
9. ADD'L birth
10. AT AGE birth
11. CLAIM FOR — FATHER ☐ RR ☐ CHILD ☒ SPOUSE ☐
12. FAMILY STATUS — MARR. ☐ SEP. OR DIV. ☐ NO. CHILDREN (UNDER 18) None
13. QC REQ. LAST MET ☐
14. ☐ W/E DOES NOT MEET QC REQ. — A ☐ GEN. ADM REVIEW — B ☐ SINCE LAST DET.
15. PREV. DEFIED OR TERM. ☐
16. SSA-831 REV IN PROGRESS SD ☒
17. MED. DEV. DEF. ☐
18. S A CODE 140
19. STATE Il
20. DISTRICT OFFICE ADDRESS — 2306 W Lawrence Av, Chgo Il 60625
DO CODE 499
RO CODE 51

FILE REVIEWED & APPROVED FOR TRANSMITTAL
21. CLAIMS REPRESENTATIVE — J. Bills
22. DATE OF TRANSMITTAL 07/26/71

23. REMARKS — Phone # 588-4162 — All d/o development complete.
PRESCRIBED PERIOD

RECEIVED CASI
AUG 2 '71

PURSUANT TO PROVISIONS OF SEC. 221 OF SOCIAL SECURITY ACT, IT IS DETERMINED THAT THIS CLAIMANT:

24. ☒ HAS BEEN UNDER A DISAB. SINCE — before age 6
25. ☐ WAS UNDER A DISAB. — A. DATE FROM — B. TO
26. ☐ WAS NOT UNDER A DISAB. ON OR BEFORE (Date)
27. ☐ WAS NOT UNDER A DISAB.
28. CASE OF BLINDNESS AS DEFINED IN SEC. 216(i) — A ☐ NOT UNDER A DISAB. FOR CASH BENE. PURP. — B ☐ UNDER A DISAB. FOR CASH BENE. PURP. SINCE
29. DIAGNOSIS — mental Deficiency
29A. MDR CODE A
31. VOCATIONAL BACKGROUND (Occupation) — None
OCC. YEARS None
EDUC. YEARS Special
32. BASIS FOR DETERMINATION — 1502 (a)1 DISM 12.05 B

Interview indicates that doctor advised Mother of retardation, mental, when child was about 3. A Stanford-Binet Intelligence Test given 7-29-67 indicated an IQ of 30.

EXHIBIT 6

☐ CONTINUED ON ATTACHED SHEET (Use SSA-834)

34. DISABILITY EXAMINER'S S A — Jesse Hayes
35. DATE 8-13-71
36. REVIEW PHYSICIAN — M Otter MD
37. DATE 8-17-71

TO BE COMPLETED BY SSA

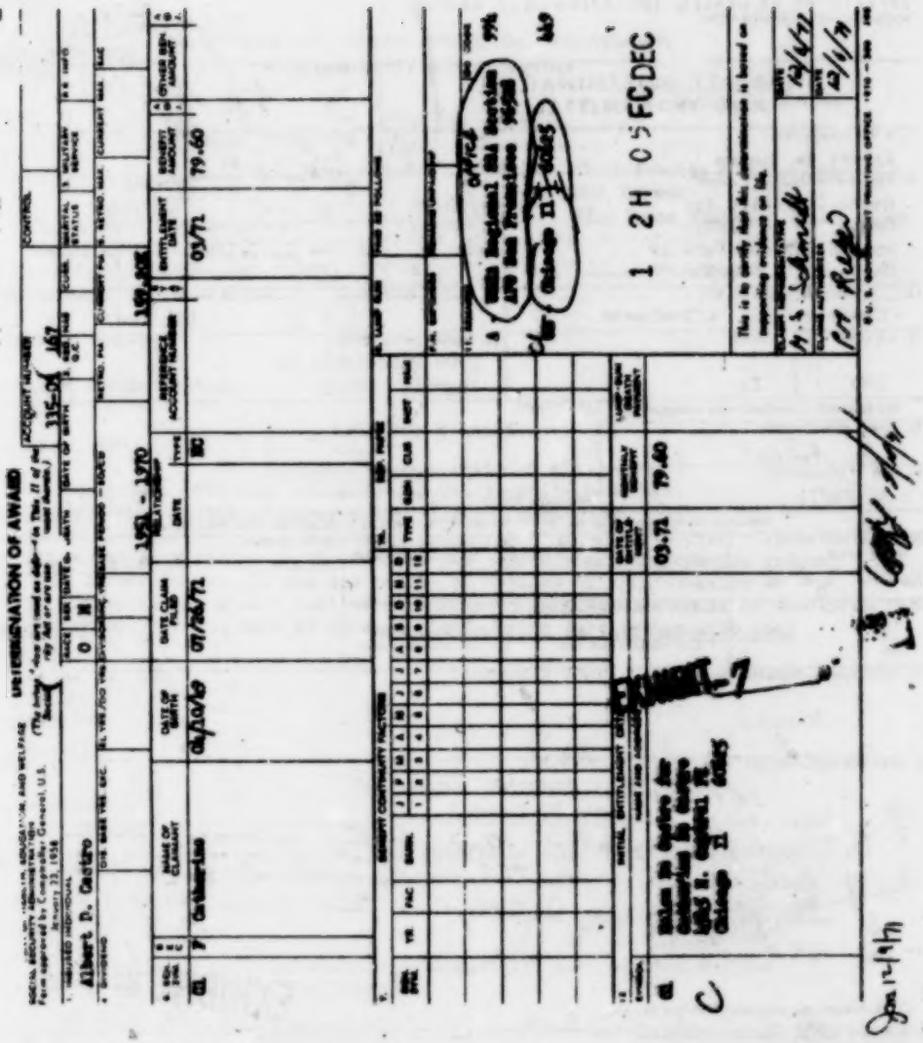
38. ☒ CHILD'S DISABILITY BEGAN BEFORE AGE 18 AND CONTINUES. ☐ CHILD NOT UNDER A DISABILITY WHICH BEGAN BEFORE AGE 18.
39. ☐ W/E MEETS QC REQ. ON _____ DTE. ☐ W/E DOES NOT MEET QC REQ. HAS ____ QY ____ QTRS. FOR ACCD ENDING _____
40. A PERIOD OF DISABILITY IS ☐ ESTABLISHED FROM _____ TO _____ ☐ NOT ESTABLISHED
41. REMARKS — Claimant incapable IQ 30 PC - Chicago, Illinois 60604

42. RE-EXAM REQ. — None
43. DISABILITY EXAMINER
44. DATE
45. DISABILITY EXAMINER — W Sallaber 15 DT
46. DATE 9/15/71

CLAIMANT TO BE NOTIFIED BY:
47. ☐ SSA ☒ RC
48. STR. RAK. NO.
49. PRIOR ACT. ☐ TD ☐ PT ☐ REVISED
50. BASIS CODE 1
51. A OR B CODE A-1
52. RS TURN CODE
53. CAT. ☐ W ☐ DIB ☐ OSP ☒ DIC ☐ FT
54. SPECIAL CODE ☐ VA ☐ VAD
55. LIST NO.

FORM SSA-831 (11-69)

1-FOLDER COPY.



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
Social Security Administration

Form Approved
OMB No. 72-R0154.

Do not write in this space

Rec'd
4-23-71
Typed
600.25
ADB.

APPLICATION FOR WIFE'S INSURANCE BENEFITS

If you are awarded monthly benefits based on this application and such benefits continue to age [illegible], you will automatically have hospital insurance protection under Medicare at age 65. You may also use this application to enroll in the Supplementary Medical Insurance Benefits Plan under Medicare.

NOTICE: Whoever makes or causes to be made [illegible] statement or representation of a material fact in an application or for use in [illegible] payment under the Social Security Act is subject to not more than a $1,000 fine or 1 year [illegible], or both.

Print Name of Wage Earner or Self-Employed Person (Hereinafter referred to as the "Worker")	Enter His Social Security Number
Albert D. De Castro	335 | 08 | 5167
Print Your Full Name (First name, middle initial, last name)	**Enter Your Social Security Number** (If none or unknown, so indicate)
Helen De Castro	345 | 12 | 5424

I hereby apply for entitlement to all [illegible] benefits which may be payable to me under Title II and Part A of Title XVIII of the Social Security Act [illegible].

1. (a) Enter your date of birth (Month, day, year) 2-18-15	(b) Was [illegible] religious [illegible] Yes ☐ No ☐ Unknown [illegible] Yes ☐ No ☐ Unknown	Enter name of State or foreign country where you were born Illinois
2. Enter your maiden name	[illegible] Bonfinelli	
3. (a) Have you ever before filed [illegible] for monthly social security benefits or for [illegible] insurance under Medicare? ☒ Yes (If "Yes," answer [illegible] (c) and (e).) ☐ No (If "No," go on to [illegible])		(b) Enter name of person on whose earnings record you filed other application Helen De Castro
(c) Enter Social Security Number of person named in [illegible] (If unknown, so indicate) 345 | 16 | 5424	[illegible] you now receiving benefits on this record? ☐ Yes ☒ No	(d) What kind of benefits are you receiving? (For example, retirement, mother, widow) none
4. (a) Are you so disabled now that you cannot work, or was there some period during the last [illegible] when you were so disabled that you could not work? ☐ Yes (If "Yes," answer (b).) ☒ No (If "No," go on to [illegible])		(b) Enter the date you became disabled (Month, day, year) EXHIBIT 8 (4-11)

If you are now AGE 62 or older, or you will reach AGE 62 in this month or one of the next 3 months, answer items 5 and 6. If not, go on to Item 7.

5. Were you in the active military or naval service (active duty or active duty for training) after September [illegible], 1940?	☐ Yes	☒ No
6. Did you or the worker work in [illegible] employment at any time on or after January 1, 1937?	☐ Yes	☒ No

FORM SSA-2 (3-71) [illegible]

BEST COPY AVAILABLE

7. (a) Check (✓) whether your marriage to the worker was performed by:
Clergyman or authorized public official [X] or Other [ ] (Explain)

(b) Enter below the information requested about each of your marriages. Include information on your marriage to the worker and any other marriages, whether before or after you married the worker.

		To whom married	When (Mo., day, and year)	Where (Enter name of city and State)
Current or last marriage		Albert De Castro	10-18-35	Chicago Ill
	How marriage ended (If still in effect, write "Not Ended")		When (Mo., day, and year)	Where (Enter name of city and State)
	Divorce		Jan 1969	Chicago Ill
Previous marriage	To whom married	Bill Ceralde	1933	Chicago
	How marriage ended		When (Mo., day, and year)	Where (Enter name of city and State)
	Divorce		Oct 11, 1935	Chicago Ill

(Use "Remarks" space on back page for information about any other marriage)

8. Answer item 8 only if you are applying as a divorced wife.
(a) Was the worker under court order to contribute to your support? [X] Yes [ ] No
(b) Was the worker contributing to your support? [ ] Yes [X] No

If you are now under AGE 66, answer item 9. If you are AGE 66 or over, go on to item 10.

You can get a wife's benefit for any month in which you have in your care a child of the worker entitled to insurance benefit because he (she) is:
under age 18, or • disabled (age 18 or over and disability began before age 18)

Note: A child age 18 to 22 entitled as a full-time student will NOT enable you to meet the "in his care" requirement. A divorced wife cannot be entitled to benefits for months before age 62 even if she has an entitled child in her care.

9. Has any unmarried child of the worker (*including natural child, adopted child, or stepchild*) who is under 18 or disabled lived with you during any of the last 13 months (counting the present month)? [X] Yes [ ] No
(If "Yes," enter the information requested below)

Name of child	Months child lived with you (If all, write "All")
Catherine Dorothy DeCastro	all months

PLEASE READ THE FOLLOWING INFORMATION CAREFULLY BEFORE YOU ANSWER ITEMS 10 THRU 14.

HOW YOUR EARNINGS AFFECT YOUR BENEFITS

Some or all of your benefits are not payable if either you or the worker earn more than $1,680 in the year.*

In figuring your earnings for the year, count gross wages (not take-home pay) and net self-employment income. This applies to all employment and self-employment, whether or not covered by Social Security.

If you earn over $1,680, $1 in benefits may be withheld for each $2 of earnings you have between $1,680 and $2,880, and $1 in benefits may be withheld for each $1 of earnings you have over $2,880. No matter how much you earn in a year, you are entitled to a benefit for any month in which you do not earn wages of over $140 and do not perform substantial services in self-employment.

*The years period referred to in this and following items is the same 12-month period you use in figuring your income tax. If you use a fiscal year (that is, a taxable year that does not end December 31 (with income tax return due April 15), enter here the month your fiscal year ends. → Month

BEST COPY AVAILABLE

10. (a) How much were your total earnings last year? ..... $ none
If the total is over $1,680 AND you were age 62 or over last year, answer (b). Otherwise, go on to item 11.
(b) Did you earn more than $140 in employment or perform substantial services in self-employment in each month of last year?
[ ] Yes (*If "Yes," omit (c).*) [ ] No (*If "No," answer (c).*)
(c) Circle each month of *last year* in which you did not earn more than $140 in employment *and* did not perform substantial services in self-employment.
Jan Feb Mar Apr May June July Aug Sept Oct Nov Dec

11. (a) How much do you expect your total earnings to be this year? ..... $ none
If the total is over $1,680 answer (b). If less, omit (b), (c) and item 12.
(b) Did you or will you earn more than $140 in wages or perform substantial services in self-employment this month and all past months of this year?
[ ] Yes (*If "Yes," omit (c).*) [ ] No (*If "No," answer (c).*)
(c) Circle each month of this year through the current month in which you did not or will not earn more than $140 in employment and did not or will not perform substantial services in self-employment.
Jan Feb Mar Apr May June July Aug Sept Oct Nov Dec

12. (a) Do you expect to earn more than $140 in employment or perform substantial services in self-employment in each of the next 4 months?
[ ] Yes (*If "Yes," omit (b).*) [ ] No (*If "No," answer (b).*)
List each of the next 4 months in which you do not expect to earn more than $140 in employment *and* do not expect to perform substantial services in self-employment.

Answer item 13 if you are now in the last 4 months of your taxable year (Sept., Oct., Nov., and Dec., if your taxable year is a calendar year).

13. How much do you expect your total earnings to be next year? ..... $ none

An annual report of earnings must be filed with the Social Security Administration within 3 months and 15 days after the end of any year in which you earned more than $1,680, if you were under age 72 at least 1 full month of that year and received some benefit payment for such a month. FAILURE TO REPORT MAY RESULT IN THE LOSS OF ONE OR MORE MONTHLY BENEFITS.

14. Do you agree to file the annual report of earnings when required? [X] Yes [ ] No

If you are now under AGE 66 and do not have an entitled child in your care, answer item 15. If you are AGE 66 or older, or you have an entitled child in your care, go on to item 16.

This application for wife's benefits may be retroactive for as many as 12 months from the date it is filed but not for any month before age 62 unless you have an entitled child under age 18 or disabled in your care. If you choose to receive benefits before you reach age 65, your benefits will be payable at a reduced rate and will continue at a reduced rate even after you reach age 65.

15. (a) I want benefits for all the past 12 months in which I was at least age 62. (This applies if you are now age 62 or over or will be age 62 in 3 months) [ ]
OR
(b) I want benefits beginning only with the month I reached or will reach age 65. (This applies if you are now age 65 or over or will be age 65 in 3 months) [ ]
OR
(c) I want benefits for months before age 65 (months in which I was at least age 62 or over) beginning with the month of: _____ (*Enter month and year*) [ ]

(Over)

YOU MUST NOTIFY THE SOCIAL SECURITY ADMINISTRATION PROMPTLY IF:

- The worker DIES. (You might be entitled to widow's or widower's benefits.)
- You are DIVORCED or your marriage is ANNULLED.
- You MARRY. (If you are entitled as a divorced wife.)
- You NO LONGER HAVE IN YOUR CARE a child of the worker entitled to benefits because he (she) is under age 18 or disabled.

Benefits may end if any of the above events occur. However, there are certain exceptions which are explained in the informational booklet which you will receive. You must report each of these events even if you believe an exception applies. We will advise you whether additional evidence is needed and how your benefits may be affected.

16. Do you agree to notify the Social Security Administration promptly if any of the above events occur, and to promptly return any benefit check you receive if the check is for a month in or after the month in which any of the above events occurred? ☒ Yes ☐ No

REMARKS: (*You may use this space for any explanations. If you need more space, attach a separate sheet.*)

I know that anyone who makes a false statement or representation of a material fact in an application or for use in determining a right to payment under the Social Security Act commits a crime punishable under Federal Law. I affirm that the above statements are true.

SIGNATURE OF APPLICANT

Signature (Name, middle initial, last name) (Write in ink)

SIGN HERE ▶ Helen de Castro

Date (Month, day, year) 9-23-71

Telephone Number 588-4162

Mailing Address (Number and street, Apt. No., P.O. Box, or Rural Route)

4545 N. Central Park

City and State: Chicago Ill.

ZIP Code: 60625

Enter Name of County (if any) in which you now live: Cook

Witnesses are required ONLY if this application has been signed by mark (X) above. If signed by mark (X), two witnesses to the signing who know the applicant must sign below, giving their full addresses.

1. Signature of Witness	2. Signature of Witness
Address (Number and street, City, State, and ZIP Code)	Address (Number and street, City, State, and ZIP Code)

Answer the question below only if you are now AGE 65 or older, or you will reach AGE 65 in this month, or one of the next 3 months.

ENROLLMENT IN THE SUPPLEMENTARY MEDICAL INSURANCE BENEFITS PLAN

Your social security office will be glad to explain this plan and to give you a leaflet containing information on the physicians' and surgeons' services and other medical services covered, premium amounts, enrollment periods, etc. A request for enrollment cannot be effective unless it is made within one of the enrollment periods specified in the law. If you do not enroll within your initial enrollment period, you may have to pay a higher premium and your coverage will be delayed.

Do you wish to enroll in the supplementary medical insurance benefits plan? (Premium payments will be due. Where possible, these payments will be deducted from your monthly benefit check.)

☐ Yes ☐ No ☐ Undecided ☐ Currently enrolled

Sign below regarding medical insurance benefits plan.

SIGN HERE ▶

DETERMINATION OF DISALLOWANCE

DISTRICT OFFICE	STATE	CO CODE	WAGE EARNER'S NAME	SOCIAL SECURITY NUMBER
Ch. Ago	IL	497	Alberto DeCastro	335-09-5167

REVIEWING OFFICE: MY P SSR CH SP EC RBM DPC

RELATED SOCIAL SECURITY NUMBER:

HF- V I V 13

List only the basic reason in the CODE NO. block below. If this code number requires a fill-in, enter the information under "Remarks." Show any additional reasons under "Remarks."

SYMBOL	CODE NO.	FILING DATE	NAME AND ADDRESS OF CLAIMANT
	836	01/24/72	Helen DeCastro 4545 N Central Park Av Chicago IL 60625

Fill in when any disallowance code 01–26, 110 or 124 is listed. Disallowance Codes are listed in CM 4939.

WAGE EARNER BORN ON	WAGE EARNER DIED ON

QUARTERS OF COVERAGE INFORMATION (Fill in as appropriate)

TYPE	REQUIRED	HAD
Fully		
Currently	6 out of Last 13	
Transitionally		
Deemed Insured - HIB		
Special Payment - Age 72		

REMARKS:

Since your legal marriage date was 9/9/46 and the date of your divorce from the wage earner was 1/19/65, you do not meet the 20 year duration of marriage requirement. Therefore we are denying your claim.

DISALLOWANCE NOTICE NO. (If to be sent by 1/21-Exp)

L229F

DISALLOWANCE TO BE SENT OR EFFECTUATED BY (If to be sent by 1/21-Exp)

-5 #

EXHIBIT 14-

ADDITIONAL INSTRUCTIONS:

If he entitled as a divorced wife you must have been married for the wage earner for a period of 20 years immediately before the date the divorce became final. Since your first marriage of 10/4/37 was invalid because your divorce from your first husband was not final we must

☐ OA-C370 or OA-D865 attached

DETERMINATION BY	DATE	APPROVED BY	DATE
T. Mulholland	4/4/72	J. Keegan	4/7/72

☐ CLAIMS REPRESENTATIVE ☒ CLAIMS AUTHORIZER
☐ FIELD REPRESENTATIVE ☐ OTHER (Specify)

TITLE: CLAIMS AUTHORIZER

FORM SSA-201 (7-68) NSN 7740-184-1537

UPC- Recon Pizzey 4/3/3

Form Approved. OMB No. 72-R0552 (Do not write in this space)

4/26/72
499
LP

RECONSIDERATION

NAME OF WAGE EARNER OR SELF-EMPLOYED PERSON: Alberto DeCastro

SOCIAL SECURITY CLAIM NUMBER: 335-09-5167B

NAME OF CLAIMANT (If different from person named above): Helen DeCastro

CLAIM FOR (Specify type, e.g., retirement, disability, hospital insurance, etc.): wife's benefit

Divorced

I do not agree with the determination made on the above claim and request reconsideration.

My reasons are:

I was first married in 1937. At that time I did not know my divorce from my first husband had not gone through. As soon as we found out Mr. DeCastro and I remarried. It

NOTE: If the date of the notice of the determination on this claim was more than six months ago include your reason for not making this request earlier.

I am submitting the following additional evidence (If none, write "None."):

does not seem reasonable that the period from 1937 - 1946 cannot be counted toward the 20 year marriage requirement as I believed during this entire period that we were legally married.

Signature (First name, middle initial, last name) (Write in ink)

SIGN HERE ▶ Helen de Castro

Date (Month, day, year): 4/26/72

Telephone Number: 588-4162

Mailing Address (Number and street, Apt. No., P.O. Box, or Rural Route): 4545 N Central Park Ave.

City and State: Chicago, Illinois

ZIP Code: 60625

Enter Name of County (if any) in which you now live: Cook

Witnesses are required ONLY if this request has been signed by mark (X) above. If signed by mark (X), two witnesses to the signing who know the person requesting reconsideration must sign below, giving their full addresses.

1. Signature of Witness	2. Signature of Witness
Address (Number and street, City, State, ZIP Code)	Address (Number and street, City, State, ZIP Code)

FOR SOCIAL SECURITY OFFICE USE ONLY

PROVIDER NAME AND NUMBER (City and State)	INTERMEDIARY NAME AND NUMBER (City and State)	SOCIAL SECURITY OFFICE ADDRESS
		EXHIBIT 5

ROUTING INSTRUCTIONS (Check one)

- ☐ State Agency (Route with disability folder)
- ☐ Payment Center _____ BDI, Balto. ☐
- ☐ _____ Intermediary ☐ DRB, Balto.
- ☐ Division of Foreign Claims, Balto.
- ☐ BDPA, Attn: CWAB, Balto.
- ☐ _____ RO (Emergency)

FORM SSA-561 (4-71) NOTE: Take or mail completed copies to your Social Security Office.

DEPARTMENT OF
HEALTH, EDUCATION, AND WELFARE
SOCIAL SECURITY ADMINISTRATION

RECONSIDERATION DETERMINATION

PAYMENT CENTER	DISTRICT OFFICE OR BRANCH OFFICE
Baltimore, Maryland 21203	Chicago, Illinois 60605
NAME OF WAGE EARNER OR SELF-EMPLOYED PERSON: Albert de Castro	SOCIAL SECURITY CLAIM NO.: 335-09-5167
NAME OF CLAIMANT: Helen de Castro	TYPE OF CLAIM: Wife's Insurance Benefits

DETERMINATION:

Helen de Castro filed an application for wife's insurance benefits as a divorced wife on the account of Albert de Castro on September 23, 1971. Her claim was denied because she and the wage earner had not been legally married for 10 years prior to the date of her divorce. Notice of this determination was dated April 11, 1972. Mrs. de Castro requested reconsideration on April 26, 1972.

The primary issue to be resolved is whether Helen de Castro is entitled to wife's insurance benefits as a divorced wife.

Section 202(b) of the Social Security Act provides for the payment of wife's insurance benefits to the wife and every divorced wife of an individual entitled to retirement insurance benefits. In the case of a divorced wife, she must be at least age 62 and not married. She must also have been receiving at least one-half of her support from the wage earner, or receiving substantial contributions pursuant to a written agreement, or there must have been in effect a court order for substantial contributions, at the time the wage earner became entitled to retirement insurance benefits.

Section 216(d) of the Act defines the term divorced wife as a woman divorced from an individual who had been married to the individual for a period of at least 10 years immediately before the day the divorce became final.

Helen de Castro was born February 18, 1915, and will not attain age 62 until February 1977. Therefore, on the basis of her age alone, she is not entitled to divorced wife's benefits. Accordingly, it is determined upon reconsideration, that Helen de Castro is not entitled to divorced wife's insurance benefits because she has not attained age 62.

AUTHORITY: Social Security Act, as amended, sections 202(b) and 216(d).

REMARKS: Since Mrs. de Castro cannot be entitled to benefits because she is not age 62, no decision has been made on whether she meets the 20 year duration of marriage requirement or the support requirements.

James J. Howard
Chief, Reconsideration Branch

AUG 25 1972

Date

cc:
DO, Chicago, Illinois 499

ASbpiegelmanter 8/24/72

333-07 3101

CATHOLIC CHARITIES GUIDANCE CENTER
ARCHDIOCESE OF CHICAGO
126 NORTH DESPLAINES STREET CHICAGO 6, ILLINOIS
TELEPHONE CENTRAL 6-3172

CONFIDENTIAL INFORMATION FOR YOUR USE ONLY

CGC P.C.

DE CASTRO, Catherine — Born 1-9-49 — 1-16-63

Ref: Sister Mary Catherine — Tested at: St. Mary of Providence School

PSYCHOMETRIC EXAMINATION:

Cattell Infant Intelligence Scale		Wechsler Intelligence Scale for Children	
Stanford-Binet, Form L-M		Verbal Scale Raw Score	0
C.A. 13-9		Performance Scale Raw Score	0
M.A. 2-8		Full Scale Raw Score	0
I.Q. [illegible] below 30; within the low grade range			

Sister Mary Catherine requested the examination of Catherine to determine her rate of mental growth. The record contains a Bureau of Child Study report stating that Catherine had been examined with the Stanford-Binet Scale in 1955, 1956 and 1957. On the first test she completed several items at the first two levels. Results of the re t two years are: CA 7-3, MA 2-8 (Approximately) and IQ 30 (Approximately); CA 8-1, MA 2-11, and IQ 36. Catherine entered St. Mary Day School on November 7, 1960 and transferred to St. Mary of Providence in September, 1962.

Catherine is of average height and weight. She has a shuffling gait, moves awkwardly, and drools consistently. Alone, confined with her full appreciation, limited awareness of her environment, and extremely laconic speech, gives the most a few words only singly and in short sentences, are indicative of exceptionally limited mental functioning. Catherine cooperated well, trying, testing and accepted all items presented. She could understand only the simplest Binet Scale items and manifested no knowledge of what was expected on the WISC subtests.

Results of the Cattell and Stanford-Binet Scales indicate that Catherine's mental functioning is at the level for average children two years, eight months old. Since she is already fourteen years old, development is progressing at an exceptionally slow rate. The highest age she obtained on the eighteen month level of the Cattell Scale with Stanford-Binet Scale experience ranging through the four and one-half year level. Catherine could identify only one of the pictures (automobile) items, which was her only failure at Year II. She typically vocalized play when she could manage, but her level of understanding was very much below age expectations, many like that of a two or three year old child. This was also reflected in her total lack of awareness of what was expected on the WISC performance subtest. She was score on all subtests was zero. When asked to draw a picture and to put her name on paper, Catherine merely made a few straight lines.

In summary, present testing indicates that Catherine's mental functioning is within the low grade mentally retarded range. Prognosis for the future is poor; she will continuously require custodial care and intensive supervision. It is suggested that Catherine's level of functioning be discussed with her family in order to aid them in making realistic plans for this child's future.

Angela Spanner,
Psychologist

Very limited - could not attend -

EXHIBIT 19

Medical Record

St. Mary of Providence

BEST COPY OBTAINABLE